



An
Bord
Pleanála

Inspector's Report ABP.301081-18

Development	5-year permission for the development of 50MW solar PV farm.
Location	Monart East, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	2017/630
Applicant(s)	Engie Developments Ireland Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	As above
Observer(s)	James Roche, Thomas O'Brien
Date of Site Inspection	20 th June 2018
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The subject site is in a rural area located approximately 5 km north-west of Enniscorthy, Co. Wexford and off the regional road, R702.
- 1.2. The appeal site is currently farmland used for cereal growing and access to the overall site is via the regional road R702. The appeal site comprises of 9 no. agricultural fields.
- 1.3. The overall size of the appeal site is 62 ha (153 acres) and the shape of the appeal site is irregular.
- 1.4. The appeal site is enclosed with mature hedgerows / boundaries and visibility of the appeal site from public roads is limited given that some of the fields are removed from the public roads.
- 1.5. The general gradient of the appeal site is relatively even but undulates locally. In the wider context the landscape falls in a north to south direction towards the River Urrin which is situated south of the appeal site.
- 1.6. There is a small concentration of houses located to the north-east of the appeal site at the junction of the R702 and a local road.

2.0 Proposed Development

- 2.1. Planning permission is sought for a 5-year permission for the construction of a solar PV energy development comprising installation of solar pv panels.
- 2.2. It is proposed to generate 50MW solar pv to export electricity to the national grid.
- 2.3. The proposal will consist of the installation of photovoltaic panels on metal frames within existing field boundaries.
- 2.4. The proposed development also includes the following;
 - New access tracks
 - Underground cabling
 - Perimeter fencing with CCTV cameras and access gates
 - Temporary construction compound.

- 2.5. The solar panels raise to a maximum height of 2.46m above ground level and a minimum height of 0.8m above ground level.

3.0 **Planning Authority Decision**

Wexford County Council decided to **refuse** planning permission for the following reason;

1. The proposed development would involve the use of an extensive area of agricultural land (circa 62 ha) for a substantial scale of solar power in a single project. There is a lack of guidance at national, regional and local level in relation to the appropriate location, scale and distribution of future proposals for solar power. Having regard to the scale of the proposed development and its potential impacts on the rural character of the area, the visual amenity of the landscape, the amenities of residential property, agricultural land use patterns, Wexford County Council is not satisfied that the proposed development would not seriously injure the amenities of the area or of property in the vicinity, or that the proposed development would not be premature pending the adoption of national, regional or local guidance or strategy for solar power. The proposed development would, therefore be contrary to the proper planning and sustainable development of the area.

3.1. **Planning Authority Reports**

- 3.1.1. The main issues raised in the planner's report are as follows;

Area Planner

- The proposed development is broadly supported by national, regional and local planning policy.
- Policies available in UK but no applicable.
- Glint and glare not an issue on the site due to topography, proposed planting and orientation.

- No significant impact on drainage patterns however scale is a concern.
- Proposal would have a benign impact on ecology subject to appropriate provision for the movement of mammals.
- No significant risk of noise and fire to adjoining properties.
- Grid connection is proposed to substation at Bellefield, Enniscorthy.
- Refusal recommended.

3.1.2. There are no internal reports.

3.1.3. Submissions; - There is a submission from the Department of Agriculture, Fisheries and Food who outline concerns in relation to field drainage. There is also a concern from the Department of Arts, Heritage and the Gaeltacht who recommend that permission is granted subject to archaeological monitoring conditions.

3.2. **Third Party Observations**

- There are seventeen third party submissions and the issues raised have been noted and considered. The issues raised was wide ranging and included;
 - Noise pollution
 - Glint and Glare
 - Fire Safety
 - Surface Water Management
 - Grid Connection
 - Health and Safety
 - Scale
 - Devaluation of properties
 - Impact on tourism
 - No guidelines – oversupply of solar farms in south-east
 - Impact on wildlife
 - Loss of agricultural land

- Chemicals in solar panels

4.0 Planning History

- There is no previous planning history on the subject site.

5.0 Policy Context

5.1. Development Plan

The operational Development Plan is the Wexford County Development Plan, 2013 – 2019. The appeal site is in a rural area in unzoned land.

The following policies / sections are relevant to the proposed development;

- Objective ED08 – facilitate and encourage green industries including renewable energy.
- Objective EN18 – promote the use of solar energies in new and existing dwellings, offices, commercial and industrial buildings.
- Objective L04 – require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.
- Objective L09 – proposals shall be sited, designed and landscaped to minimise loss of natural features such as mature trees and hedging and built features.
- Map no. 13 sets out a 'Landscape Character Assessment' for Co. Wexford. The appeal site is not located within any landscape designation.

- Section 18.29.2 sets out guidance in relation to sightline provision.

6.0 National Policy

6.1. The National Planning Framework, 2018 – 2040,

The Policy Objective 55 of the National Planning Framework is relevant and it states; *'Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet the national objectives towards achieving a low carbon economy by 2050'.*

6.2. The Government White Paper entitled 'Ireland's Transition to a Low Carbon Energy Future 2015 – 2030', published in December 2015.

The White Paper is a complete energy policy update, which sets out a framework to guide policy between now and 2030. The vision of the White Paper is to achieve a low carbon energy system that targets greenhouse gas (GHG) emissions from the energy sector that will be reduced by between 80% and 95%, compared to 1990 levels, by 2050, and will fall to zero or below by 2100.

Paragraph 137 of the White Paper states 'solar photovoltaic (PV) technology is rapidly becoming cost competitive for electricity generation, not only compared with other renewables but also compared with conventional forms of generation. The deployment of solar in Ireland has the potential to increase energy security, contribute to our renewable energy targets, and support economic growth and jobs. Solar also brings many benefits like relatively quick construction and a range of deployment options, including solar thermal for heat and solar PV for electricity. It can be deployed in roof-mounted or ground-mounted installations. In this way, it can empower Irish citizens and communities to take control of the production and consumption of energy.'

7.0 International Guidelines

'Planning Guidance for the development of large scale mounted solar PV systems' prepared by BRE National Solar Centre (UK).

- This guidance document provides advisory information on planning application considerations including construction and operational works, landscape / visual impact, ecology, historic environment, glint and glare and duration of the planning permission.
- The document also provides guidance on the information which should be provided within a Landscape and Visual Impact Assessment.
- The document also provides guidance on EIA Screening procedures.

8.0 The Appeal

A third-party appeal was submitted by McCarthy Keville O'Sullivan – Planning and Environmental Consultants on behalf of the applicant.

Absence of guidance

- Generally location is driven by proximity to national grid and also topography.
- The design process takes into account physical, environmental, technical and ownership factors.
- Buffer zones as advised by Wexford County Council in pre-planning consultation were used.
- The area of land to the south was reduced by approximately 70 acres of the overall site to lessen the impact on visual receivers to the south.
- There is no national solar policy in the UK yet numerous solar farms have been delivered.

Legal precedent

- The absence of guidance is not a reason to refuse permission and this has been demonstrated by recent case law.
 - Element Power Ireland v An Bord Pleanala (2017)
- Furthermore the applicant in a recent solar farm application which was refused permission by An Bord Pleanala due to the lack of guidance has sought a judicial review.

Landscape & Visual Impact

- Locations of concern mentioned in the planner's report include;
 - At the regional road R703 to the north of site
 - At Milehouse, to the east of the site
 - Local road at Dunsinane to the southeast
 - At the new bridge on local road at Bessmount
- Images of the above viewpoints are include in the submitted LVIA at the following points;
 - Viewpont 2 (R702)
 - Viewpoint 4 (Milehouse)
 - Viewpooint 7 (Dunsinane)
 - Viewpoint 5 (Monart East)
- There is a key difference between being visible and having a visual impact.

Landscape & Visual Impact Assessment (LVIA)

- The submitted LVIA outlines the criteria used to determine the visual effect.

Viewpoint 2

- The visibility is intermittent

- The field gate along the R702 which currently allows for open views towards the appeal site will be replaced with earthen bank and hedgerows.
- The magnitude of change is considered low and the visual receptor sensitivity of those travelling on a regional road could be considered low in some cases.
- The visual effect is considered moderate / minor adverse however this will reduce to minor adverse as mitigation measures establish.

Viewpoint 4

- Viewpoint from R702 from the east of the site.
- The proposed panels are visible over a limited extent in the middleground.
- The magnitude of change is considered minor.
- The visual effect will be minor / adverse.

Viewpoint 7

- Situated to the south of the appeal site
- Magnitude of change is considered low
- The solar array is located at some distance from the viewer

Visibility from flyover bridge at Bessmount

- The views from sections of the Enniscorthy Bypass between Ballybrains and Templescoby will include views of field no. 1 and field no. 2 for brief durations. The same applies to the flyover at Bessmount.
- The visual receptor from the flyover is likely to be medium.
- Although the panels are likely to be clearly visible this is only for a short elevated section.

9.0 Observations

The following is the summary of an observation submitted by **James Roche**;

- This observation objects to approximately 3 ha situated to the west of the appeal site.
- It is submitted that the lie of the land is leaning towards the Newtown Road of which the observer owns 33 ha. There is road frontage of approximately 700 metres on either side of Newtown Road.
- It is submitted that an opinion from a valuer / estate agent has confirmed that due to the proximity of the proposed solar farm to the observer's house and the 700m road frontage that there would be a serious negative effect on the value of my property.
- It is contended that given the proximity of the solar farm to the observers's land that it would attract a lot of trespassing brought about by curiosity.
- It is requested that the said 3 ha are omitted from the proposed development and that screening is provided for the remainder of the proposed development.
- It should be noted that the said 3 ha are located in the townlands of Newtown.

The following is the summary of an observation submitted by **Thomas O'Brien**;

- An Bord Pleanála have previously identified the need for guidance for large scale solar farms.
- UK guidance rejects the need to use high quality agricultural land for solar farms.
- The scale of the proposal will have a detrimental impact on the landscape.
- It is submitted that the flyover at Bessmont will be a national road and any brief distractions could be potentially disastrous.

- There are also concerns for HGV's travelling along the R702 (Kilkenny / Enniscorthy Road) with clear views of the solar farm.
- The local area is rich in wildlife and an assessment of all impacts is required including disruption of ecological corridors of deer.
- The proposal will result in the loss of prime agricultural land.
- A large supply of solar, windfarms, pylons already exist in the Monart East area and there is potential for a large industrial zone in prime agricultural land.
- There are concerns for runoff water from the proposed development flowing directly onto the bypass.
- There are concerns in relation surface water flowing into the stream located at the perimeter of field 1 and field 2, then into the River Urrin and into the River Slaney.
- Climate change and recent storms has caused damage to sheds locally.
- The proposed development will result in additional noise pollution.
- The proposal will cause property devaluation.
- The location of Castle Ellis and other historic points need to be determined.
- There are concerns of views from Vinegar Hill and also the visual impact leading to Mt. Leinster and Blackstairs mountains.

10.0 Responses

Local Authority Response

The local authority submitted a response stating that they had no further comments.

11.0 Assessment

I would consider that the main issues for consideration in this case are: -

- Principle of Development
- Premature development pending publication of national guidelines

- Visual and Landscape Impact
- Loss of Agricultural Land
- Impact on Residential Amenities
 - Property Devaluation
 - Glint & Glare
 - Noise
- Requirement for EIAR
- Appropriate Assessment
- Other Issues

11.1. **Principle of Development**

11.1.1. In considering the principle of a proposed solar farm development I would have regard to national and local policy provisions.

11.1.2. It is a Government target that 40% of energy output will be from renewable energy sources by 2020¹. The Government White Paper entitled ‘Ireland’s Transition to a Low Carbon Energy Future 2015 – 2030’, published in December 2015, is relevant. The main objective of this policy document is to reduce carbon emissions and in this regard solar panel developments are considered an integral part of achieving this objective.

11.1.3. The Government adopted ‘National Policy Position on Climate Action and Low Carbon Development, 2014’ and this publication states that it is a long-term vision that there is ‘*an aggregate reduction in carbon dioxide emissions of at least 80% (compared to 1990 levels) by 2050 across the electricity generation*’. To achieve this reduction, the National Planning Framework, 2018, states that our transition to a low carbon energy future requires a ‘*shift from predominately fossil fuels to*

¹ EU Directive 2009/28/EC – Renewable energy targets

predominately renewable energy sources'. The Policy Objective 55 of the National Planning Framework, 2018, is relevant and it states;

- 11.1.4. *'Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet the national objectives towards achieving a low carbon economy by 2050*'.
- 11.1.5. There is currently no national guidance in relation to solar panel developments in Ireland however I would note that the UK Guidelines 'Planning Guidance for the development of large scale mounted solar PV systems' recommend that when solar panels are in agricultural land there is a preference to locate them in poorer or more marginal agricultural land as opposed to fertile agricultural land. The appeal site is generally good agricultural land.
- 11.1.6. The Wexford County Development Plan, 2013 – 2019, has no strategy or guidance in relation to larger solar panel developments. However, the County Development Plan states that the Council will encourage the development of renewable energy resources and the maximisation of electricity production from renewable sources.
- 11.1.7. Overall, I would consider that there is a positive presumption in favour of alternative energy projects including renewable energy, having regard to the Governments renewable energy targets and this is acknowledged at National and County level. However, while such developments may have a positive outcome in terms of national and county objectives I would also consider that locally there are likely to be concerns. Issues such as the visual impact on the landscape considering the siting, scale and layout of the proposed solar panel development, impact on residents and the amenities of the area including glint and glare, environmental issues including impact on the ecology, cultural heritage and accessibility/traffic and drainage issues need to be considered.

11.1.8. In conclusion therefore, I would consider that there would be a general positive consideration towards solar panel developments in rural agricultural land provided that the proposed development would not adversely impact on the established environmental and residential amenities of the local area.

11.2. **Premature development pending publication of guidelines**

11.2.1. The Local Authority refusal reason states that the proposed development would be premature pending the adoption of national, regional or local guidance or strategy for solar power. The first party appeal response submits Irish case law to support the argument that the absence of national guidelines is not a valid reason to withhold a permission.

11.2.2. In the interest of clarity, I would note the recent High Court case (Element Power Ireland Limited v An Bord Pleanala, 2017) which related to a strategic wind farm development in Counties Meath and Kildare. The Board refused permission for 3 no. reasons and the first reason for refusal, which related to prematurity, was successfully challenged in the High Court. The High Court judgement stated that the Board had '*an obligation to properly evaluate the application in the light of existing policy and particularly the WEDG 2006 and the two relevant County development plans*'.

11.2.3. I would note Section 7.16.1 of the Development Management Guidelines, 2007. Section 7.16.1 states that '*prematurity arises where there are proposals to remedy the deficiency. If there are no such plans to remove the constraints within a reasonable period this form of wording should not be used as a reason for refusal*'.

11.2.4. Overall, I would conclude that the Board's consideration of the proposed solar farm would not be premature pending the publication of national guidelines. There is no indication of any national solar farm guidelines forthcoming and I would acknowledge that planning permission is sought for many types of development without national guidelines.

11.3. Visual and Landscape Impact

11.3.1. In terms of land take the proposed development is relatively extensive. The overall size of the appeal site is 62 ha (153 acres) and Figure 12-1 ‘Site Layout Overview’ of the application documentation indicates the layout of the solar panels are intensive relative to the overall appeal site. There is a small exception to the south of field no. 6 which is to facilitate the preservation of Records of Monuments and Places (NA39).

11.3.2. The following Table sets out a comparison, in terms of scale, of the current proposal relative to recent and pending Board decisions for solar farms in Co. Wexford.

Site	Appeal Ref.	Size of Site	Status
Youngstown	300189	32 ha (80 acres)	Grant
Ferns	300427	45 ha (110 acres)	Pending
Monart	301081	62 (153 acres)	Current

11.3.3. It is evident from the above illustration that the current proposal is extensive in terms of scale.

11.3.4. The appeal site is located in a rural area and the subject site is currently used for agriculture in the form of cereal production. On the basis of a visual observation of the land in question and having regard to drainage and the fertile nature of the land the subject site, I would consider, would be good agricultural land. The site owner resides to the immediate north of the appeal site and the farm buildings and farm house associated with the farmland is located to the immediate south west of the appeal site. There is a concentration of individual houses located to the immediate east of the appeal site where the regional road (R702) forms a junction with a local road and again further west along a linear line along the Newtown Road.

11.3.5. On the basis of a visual observation of the local area the fields to the north of the appeal site would be most visible from public areas including the R702. The fields to

the centre and south of the appeal site are generally well removed from public roads and given field boundaries and established mature hedgerows these fields would generally not be visible from public areas. The gradient of the appeal site is generally stable with no significant contrast.

- 11.3.6. The Wexford County Development Plan, 2013 – 2019, sets out a Landscape Character Assessment for the County and this is set out in Volume 3 and Map 13. The appeal site is located in an area designated 'Lowlands'. I would note that this designation generally comprises of gently rolling lands and relates to extensive areas of the County. The County Development Plan outlines that these lowland areas have a higher capacity to absorb development without causing significant visual intrusion.
- 11.3.7. The application documentation includes a Visual Impact Assessment and a Landscape & Ecology Strategy Plan. The VIA includes photomontages from 11 no. vantage points. I have reviewed the photomontages and I would conclude generally that the overall visual impact of the proposed development from these 11 no. vantage points would not be significant. I also inspected the appeal site from the surrounding public roads. I noted that the proposed development would generally not be visible from the Newtown Road (west of the appeal site) having regard to the lie of the land, the distance from the public road and established field boundaries and hedgerows which would prevent a direct line of vision from the public road towards the proposed development. Furthermore the proposed development would not be visible from the public road situated to the south of the appeal site due mainly to established hedgerows / planting and also the local topography falls gradually from the south of the appeal site towards to this public road situated to the south of the appeal site and further to the south of the public road where there is a watercourse. In addition the public road situated to the east of the appeal site is removed from the appeal site and is generally situated at a lower level than the appeal site. I would consider that allowing for established hedgerows and field boundaries the proposed solar farm would not have a significant visual impact from this public road and this is largely demonstrated in the submitted photomontages.

11.3.8. The VIA also includes Figure 4-5a which outlines the Zone of Theoretical Zone within a 5km Study Area. It is evident from this illustration that the proposed development will have partial visibility from the immediate environs surrounding the appeal site.

11.3.9. Therefore, I would consider having regard to the nature of the appeal site which is generally removed from the public roads, mostly screened by mature hedgerows / boundaries from public view, located in an area designated 'Lowlands' in accordance with the provisions of the County Development Plan and the maximum height of the proposed solar panels is 2.46 metres above ground level the visual impact would not have a significant impact on the landscape.

11.3.10. Overall, I would conclude having regard to the local topography, the existing and proposed planting, the scale of the proposed development, including the height, and the landscape designation of the appeal site in accordance with the provisions of the County Development Plan that the proposed development will not unduly impact on the landscape setting or the visual amenities of the local area.

11.4. **Loss of Agricultural Land**

11.4.1. The appeal site, as referred to above, is intensively used for agriculture, i.e. cereal growing and the proposed development would result in a significant loss of agricultural land, should permission be granted. As I have outlined in paragraph 11.3.4 above the agricultural land appears to be good quality agricultural land.

11.4.2. The Renewable Energy Planning Guidance Note 2 'the development of large scale (>50kw) solar PV arrays' by Cornwall Council express a preference that for solar farm development to be directed away from the best and most versatile agricultural land. The Guidance Note recognises the need to support diversification of agricultural land that helps sustain agricultural enterprise. The Wexford County Development Plan supports traditional food producing agricultural practices and also encourages and supports diversification of the agricultural economy.

11.4.3. The provision of solar farms in County Wexford is paradoxical. The County receives the most amount of sunshine hours relative to the rest of the country therefore making it an efficient location for solar farm development however the land in question is usually fertile and productive for agricultural uses relative to other counties and in this current case before the Board the proposed development amounts to a loss of good agricultural land.

11.4.4. Overall I would conclude that there is no strong planning policy, either locally or nationally, that would prevent the use of the appeal site, albeit good agricultural land, for the use of a solar farm.

11.5. **Impact on Residential Amenities**

11.5.1. Glint & Glare

11.5.2. In considering the implications for glint and glare from the proposed development I would have regard to the submitted 'Glint and Glare Assessment'. Glint and glare is the occurrence of reflecting sunlight. In terms of residential properties there is a cluster of houses located to the immediate east and north-east of the appeal site. Having regard to orientation of the proposed solar arrays and the proximity of these properties to the proposed development there is potential for the solar farm to have an impact in terms of glint and glare on these properties.

11.5.3. The submitted Glint and Glare Assessment has also identified a number of receptors and these are indicated on Figure 9-1 of the application drawings. The receptors no. 3 and no. 4 are located to the south of the appeal site. The glint and glare assessment identifies the impact as low and none. The Glint and Glare Assessment refers to receptor no. 16 and no. 17 both of which are located to the west of the appeal site. The key conclusion in these cases is that although glint and glare is possible from these properties the residual impact is concluded as none due to the presence of field boundaries / hedgerows.

11.5.4. The established houses located to the north east of the appeal site are categorised in the Glint and Glare Assessment as Group A. I noted from my site inspection that there was limited visibility of the appeal site from these properties. The Glint and Glare Assessment identifies the impact as low-none due to intervening vegetation.

11.5.5. Overall, I would consider that the Glint and Glare Assessment has adequately demonstrated that the overall impact of the proposal on receptors will be low. I would conclude that there is a low potential for the occurrence of glint and glare from the proposed development due to the presence of field boundaries and the distance that the houses are removed from the proposed development and as such the proposal would not result in any significant adverse impacts on established amenities.

11.5.6. Property Devaluation

I would acknowledge that the observer argues that the proposed development will devalue their property. However, these claims are not substantiated with any evidence or studies. I would consider that the site in question is subject to development potential as would any other site in the local area and there is no basis that proposed development would devalue house values in the local area more so than any other development that maybe permitted on the site.

11.5.7. Noise

I note that there is a concern in relation to noise implications associated with the proposed development. There will be some noise during the construction stage however this will be temporary in nature and can be controlled by condition should the Board favour granting permission. During the operational phase no noise is anticipated from solar farms. It is reasonable to conclude that any noise from the existing farming activities would generally be louder than any noise associated with the operational phase of the proposed solar farm. On that basis I would conclude that noise will not adversely impact on established residential amenities.

11.6. Requirement for EIA

11.6.1. Schedule 5 of the Planning and Development Regulations, 2001 (as amended), sets out Annex I and Annex II projects which mandatorily require an EIAR. Part 1, Schedule 5 outlines classes of development that require EIAR and Part 2, Schedule 5 outlines classes of developments that require EIAR but are subject to thresholds.

11.6.2. I have examined the Part 1, Schedule 5 projects and I would not consider that a solar farm is included in any of these project descriptions. I have also examined the Part 2, Schedule 5 projects and although I would note that there are some projects under Paragraph 3 'Energy Projects' which relate to energy production I would consider that none of these projects would be applicable to a solar farm as proposed. In reaching this conclusion I would have regard to many Board decisions in relation to solar farms and this includes, i.e. appeal ref. 244539 and appeal ref. 244351, where a similar conclusion in relation to EIA was reached.

11.6.1. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

11.7. Appropriate Assessment

11.7.1. The purpose of the Appropriate Assessment Screening is to determine, based on a preliminary assessment and objective criteria, whether a plan or project, alone or in combination with other plans or projects, could have significant effects on a Natura 2000 site in view of the site's conservation objectives. The 'Appropriate Assessment of Plans and Projects in Ireland Guidelines, 2009,' recommend that if the effects of the screening process are 'significant, potentially significant, or uncertain' then an appropriate assessment must be undertaken.

11.7.2. I would note the following designated Natura 2000 sites are located within 10km of the appeal site.

- The River Slaney SAC (site code 000781)
- Blackstairs Mountains SAC (site code 000770)

11.7.3. The Blackstairs Mountain is located approximately 10km to the west of the appeal site. This SAC is located upland from the appeal site and based on the NPWS website there is no hydrological connection from the appeal site to the SAC. The qualifying interests for this SAC include;

- Northern Atlantic wet heaths with *Erica tetralix* [4010]
- European dry heaths

11.7.4. I would consider based on the nature of the proposed development and the nature of the qualifying interests, and allowing for the separation distance, including the topographical difference, that significant impacts can be ruled out and a Stage 2 AA is not required.

11.7.5. The appeal site is located approximately 4-5km, as the crow flies, north-west of the River Slaney SAC. Although there is no hydrological pathway connecting the appeal site to the River Slaney SAC I would note that there is a watercourse situated approximately 500 metres south of the proposed development site. This watercourse flows, in an meandering course, to the River Slaney SAC. I would estimate that the hydrological distance from this watercourse, situated to the south of the appeal site, to the River Slaney is approximately 5-6km. Having regard to the nature of the proposed development it is unlikely that any adverse impacts will occur during the operational phase however during the construction phase there is potential for run-off water. The qualifying interests of the River Slaney SAC;

- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]
- Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]
- Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
- Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]
- Petromyzon marinus (Sea Lamprey) [1095]
- Lampetra planeri (Brook Lamprey) [1096]
- Lampetra fluviatilis (River Lamprey) [1099]
- Alosa fallax fallax (Twite Shad) [1103]
- Salmo salar (Salmon) [1106]
- Lutra lutra (Otter) [1355]
- Phoca vitulina (Harbour Seal) [1365]

11.7.6. I would acknowledge the conclusion of the applicant's AA Screening which determined that the proposed development will not cause adverse direct impacts on the conservation objectives and qualifying interests given the nature of the proposed development. I would concur with this conclusion.

11.7.7. It is reasonable to conclude that based on the information on the file, which I consider adequate to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Sites, i.e. site code 000781, and site code 000770 in view of the sites conservation objectives and a stage 2 AA is therefore not required.

11.8. **Other Issues**

- 11.8.1. In relation to ecology the application documentation includes an Ecological Appraisal. This appraisal concludes that the proposed development will have no significant impact on ecology. The appraisal notes from a field survey that badger activity was observed and it is recommended that a 10cm gap be retained in between security fencing.
- 11.8.2. In relation to archaeology there is a submission on the file from the Department of Culture, Heritage and the Gaeltacht that recommends archaeological monitoring conditions as the proposed development is located in the vicinity of two recorded monuments. I would recommend similar condition to the Board, should they favour granting permission.
- 11.8.3. In relation to traffic and access I would note that operational solar farms have a low traffic generation, which is mainly maintenance traffic. The construction traffic is for a limited time period and would be controlled by planning condition should the Board favour granting permission. Overall I would not consider this a significant issue.

12.0 **Recommendation**

- 12.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

13.0 **Reasons and Considerations**

- 13.1. Having regard to the provisions of the current development plan for the area and to the national renewable energy policy objectives, it is considered that, subject to compliance with the conditions set out below, the proposed construction of a solar farm would not seriously injure the visual amenities of the area, the residential amenities of the area, the ecology of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this order.

Reason: In the interest of clarity.

3. (a) All structures including foundations hereby authorised shall be removed not later than 25 years from the date of commencement of the development, and the site reinstated unless planning permission has been granted for their retention for a further period prior to that date. (b) Prior to commencement of development, a detailed restoration plan, providing for removal of foundations and access roads to a specific timescale shall be submitted to the planning authority for written agreement. On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations, shall be dismantled and removed from the site. The site (including all access roads) shall be restored in accordance with the said plan and all decommissioned structures shall be removed within three months of decommissioning.

Reason: To enable the planning authority to consider the impact of the development over the stated time period, to enable the planning authority to

review the operation of the solar farm having regard to the circumstances then prevailing, and in the interest of orderly development.

4. No external artificial lighting shall be installed or operated on site, unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of visual and residential amenity.

5. All landscaping shall take place in the first planting season upon commencement of development and shall be in accordance with the scheme as submitted to the planning authority by way of further information. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: In the interest of the amenities of adjoining properties.

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall provide details of intended construction practice for the development including noise management measures and off-site disposal of construction/demolition waste, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of public safety and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. Cables from the solar arrays to the compound shall be located underground.

Reason: In the interest of visual amenity.

9. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

10. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall – (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Kenneth Moloney
Planning Inspector

28th September 2018