



An
Bord
Pleanála

Inspector's Report ABP-301116-18

Development	10-year permission for ground mounted solar photovoltaic (PV) farm on 46.3ha, with two new access points from the public road.
Location	Clonards and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath.
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	17/6239
Applicant(s)	Harmony Solar Mullingar Ltd.
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	M. and A. Maher and P. Sullivan.
Observer(s)	None.
Date of Site Inspection	16 th October 2018
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The 46.3ha appeal site lies c. 4km to the west of Mullingar Town, c.1.6km north of the Grand Canal and c.2.5km south of Lough Owel in the townlands of Clondaris and Slane More, Walshestown, Mullingar, Co. Westmeath. The site is situated to the south of the R393 and west of a county road, the L5802. Access to the site is from a cul-de-sac (L5802-01) off the county road.
- 1.2. The appeal site lies in a gently undulating rural landscape of agricultural fields, mostly pasture, separated by hedgerows. Development is typically alongside the road in the form of farms and residential dwellings. Views of the appeal site from the public road network are generally quite limited as a consequence of high roadside boundaries (banks/hedgerows), roadside development and/or the intervening landscape. The site itself comprises a number of agricultural adjoining fields to the north, south and west of the cul-de-sac. Two streams lie in the north-western area of the site, with one separating agricultural fields and the other bounding the site. Both flow in a south westerly direction and join Mill River c.400m downstream. A high voltage overhead line crosses the northern part of the site in a north-west south-east orientation. Along the cul-de-sac are five residential properties, four lying to the south of the road (these include the appellants' properties, H56 and H76, Appendix 3, RFI) and one to the north (the landowner).
- 1.3. Immediately north of the appeal site is the site of a permitted solar farm PA ref. 17/6028 and PA ref. 17/6224 (see file).

2.0 Proposed Development

- 2.1. The proposed development, as amended by way of significant further information (14th December 2017), comprises a solar farm with an operational period of 30 years and an output of 21.6MW. These include:
 - 71,900 photovoltaic panels on ground mounted steel frames, covering an area of 139,520sqm,
 - A fenced electricity substation compound to the north of the site which includes an electricity control building and hardstanding for ancillary electrical equipment,

- A temporary construction compound to the south of the sub-station,
- 12 no. inverter/transformer stations, positioned throughout the site,
- Underground cable and ducts connecting the solar panels, inverter/transformer station and sub-station,
- Internal access tracks (typically 3.5m wide) and hardstanding areas,
- Boundary security fencing comprising a mix of 2m mesh fencing, along external boundaries of the solar farm, 1.6m stock proof fencing along peripheral access tracks and 2.4m palisade fence around the sub-station (drawing no. P1030-0400-0004, 14th December 2017),
- Landscaping within and along external boundaries of the site, to include new hedgerows and screening/ecological areas and biodiversity enhancement (drawing no. CS-LMP-P-P1030-RFI, 14th December 2017),
- Provision of 10m access strip to maintainable channels on site,
- Sub-station lighting (Drawing P1031-0400-004) and
- Boundary CCTV (passive Infra-Red).

2.2. Two new site access points are proposed from the public road (sightlines of 90m in both directions at each). The first new access lies immediately north of the current junction of the L5802 and the L5802-01. This new access will provide for the construction and decommissioning phases of the development and will link to an access track which will run parallel to the L5802-01 for c.240m (across three fields) to the solar farm. The second access is from the L5802-01, c.450m to the west of its junction with the L5802. This access will provide for the operational phase of the development. Two passing bays will also be provided on the cul-de-sac between its junction with the L58021 and the operational entrance (see Figure 9.2, RFI).

2.3. It is proposed to connect the solar farm to the national grid at Irishtown, Mullingar (110kV sub-station). An application for a grid connection has been lodged with ESB Networks but the timeframe for receiving an offer is unknown and a 10-year permission is therefore sought. The application includes details of a proposed connection to the sub-station via underground cable (5.4km) and for an alternative direct 'loop-in' connection from the proposed sub-station, via c.100m underground cable, to the existing 110kV OHL that traverses the site.

2.4. Construction is estimated to take place over 4 to 5 months and at cessation (after 30 years operational life) the site will be decommissioned and restored to agricultural use (see section 4.3 of Planning and Environmental Report).

2.5. The application includes:

- Landowner consents.
- Planning and Environmental Report. This includes a screening exercise for EIA which concludes that formal assessment is not required as the project is not of a type which falls within Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended). It is argued, therefore, that it is not necessary to include grid connection in the application for permission. Section 8 deals with the effects of anticipated vehicle movements (30 HGV trips/day and 27 LGV trips per day on average over the construction period; 1-2 trips/month operational phase) arising from the proposed development and in-combination effects with the permitted solar farm to the north of the site. It considers that traffic arising from the development, and that associated with adjoining permitted solar farm if construction occurred at the same time, could be accommodated in the local road network, using agreed haul routes and other measures set out in the Outline Traffic Management Plan (see below).
- Outline Construction and Environmental Report – Describes construction methodology and measures to protect environmental factors, including watercourses, noise and dust emissions. Construction is anticipated to take 4 to 6 months. Appendix 1 comprises an estimate of construction traffic.
- Ecological Impact Assessment – This report describes the ecology of the appeal site, sites of nature conservation interest near to it and those which are linked to it. The site is considered to be of low to moderate ecological value, supporting habitats of semi-natural and/or wildlife value. It considers that the proposed development, following implementation of mitigation measures (Section 5) and with the additional planting, screening and biodiversity areas, will result in a neutral to slight positive residual impact on the ecology of the site.

- Screening for Appropriate Assessment – This describes European sites within c.15k of the appeal site, their conservation interests and the likelihood of effects on the integrity of the sites as a consequence of the development. All sites are screened out from further assessment on the grounds that they are physically removed from the proposed development, any hydrological connections are at considerable distance and the mobile species of conservation interest in European sites do not occur or have the potential to occur on the appeal site.
- Outline Traffic Management Plan – This includes information on proposed haul routes and measures to manage construction and operational traffic.
- Glint and Glare Assessment – This report considers glint and glare arising from the proposed development alone and in combination with the adjoining permitted solar farm (residential dwellings, road receptors and aviation receptors – Abbeyshrule Aerodrome, c.15km to the north west of the site). It considers that no significant effects will arise principally due to the low incidents of possible affects and the absence of impact once existing and proposed screening is taken into account.
- Archaeological Assessment – Identifies one feature of archaeological interest on the site, a ‘fairy tree’, to the south west of field 5. It recommends archaeological monitoring of ground works and a buffer zone around the fairy tree.
- Landscape and Visual Impact Assessment (including book of photomontages and visual impact assessment of the development from neighbouring residences, Appendix 3 of RFI) – This report considers that the development will result in an impact on landscape character, due to the introduction of new and relatively intense form of development into a rolling agricultural landscape. However, the impact, with mitigation, is considered to be ‘Moderate Slight’ for the application site and immediate surrounds. Cumulative impacts are not considered to be significant.
- Agricultural Impact Assessment (Appendix 2 of RFI).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 12th February 2018 the planning authority decided to grant permission for the development. The decision is made on foot of the Chief Executive's report which, having regard to the Planning reports, submissions by the DCHG and response by the applicant, considers that the development is in accordance with the Westmeath County Development Plan.

3.1.2. The permission granted is subject to 22 no. conditions, including:

- No. 2 – Limits the duration of the permission to a period of 25 years.
- No. 3 – Requires connection to the national grid to be via the adjacent 110kV OHL.
- No. 4 – Development to be undertaken in compliance with all environmental commitments.
- No. 5 - Requires the applicant to agree with the planning authority a programme of monitoring and reporting of avian, invertebrate and other wildlife mortality at the site, omission of 7.4ha of the north-western area (and therefore re-location of sub-station) and white grid partitioning of solar panels.
- No. 6 – Requires inverters/transformer stations to be green and external walls of buildings to be neutral.
- Nos. 7, 8 and 9 – Control external lighting, CCTV cameras, solar panel foundations and underground cabling.
- No. 11 – Requires revised plans in respect of landscaping (to sub-station compound boundaries) and implementation of landscaping plan.
- No. 12 – Governs restoration of the site.
- Nos. 13 and 14 – Deals with waste management.
- No. 15 – Requires CEMP to be submitted for agreement.
- No. 16 – Sets out environmental controls.
- No. 17 and 18 - Require a bond and development contribution.

- No. 19 – Governs public road issues (sightlines, surface water and wheel wash).
- No. 20 – Deals with surface water.
- No. 21 – Sets out standards for works in proximity to watercourses.
- No. 22 – Requires a 10m maintenance strip adjacent to maintainable channels.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 17th October 2017 – Refers to the solar farm permitted on adjoining lands, pre-planning discussions, submissions/observations and technical reports. It considers the merits of the application under a number of headings including, extent and principle of development, agricultural impact, landscape and visual impact, ecology, historic environment, glint and glare, impacts on the public road, surface water, EIA, appropriate assessment and flood risk assessment. It recommends further information in respect of the location of palisade fencing, height and form of lighting columns, justification for omitting grid connection from application, agricultural impact assessment, assessment of the visual impact of the development from nearby residences, clarification of inconsistencies in landscape plans, response to the nature conservation concerns raised by the DCHA (see below), consistency of glint and glare assessment with IAA requirements, provision of an access strip to maintainable water channels, capacity of access road to accommodate operational traffic, provision of sightlines at both accesses to the site and alternative route for grid connection minimising impact on the public road.
- 6th February 2018 – Refers to the further information submitted and comments:
 - The proposed development and its grid connection is considered to be one project and both should be considered in the determination of the acceptability of the development. No detail has been provided on precise route of grid connection along roadways to enable EIA screening. The connection to the grid via OHL on site can be assessed to enable an EIA

screening. Recommends, that if permission is granted, grid connection should be conditioned to be via the existing overhead lines.

- Concerns raised by DCHG could be addressed by clarification of FI and condition.

The report recommends clarification of further information, that the applicant supply a winter bird flight monitoring survey.

- 12th February 2018 (Director of Services) – Recommends that permission be granted as the specific item referred to in the clarification of further information is answered in the applicant’s response to further information. It recommends granting permission for the development, with a condition excluding the 7.4ha of the site (rough grassland for Meadow Pipit and Skylark).

3.2.2. Other Technical Reports

- Environment (27th September 2017) – No objections subject to conditions.
- Area Engineer (18th October 2017) – Recommend further information (i) alternative route for connection to sub-station, with minimum impact on the public road, (ii) capacity of local road L58021-0 to cater for the level of operational traffic required without provision of passing bays, and (iii) provision of 3 x 90m sightlines at the junction of the L58021-0 and L5802-0.
- Area Engineer (6th February 2017) – No objections subject to conditions.

3.3. Prescribed Bodies

- Department of Culture, Heritage and the Gaeltacht (DCHG, 27th September 2017):
 - The development is located in an area which has the potential to affect a number of European sites and proposed Natural Heritage Areas.
 - The development has the potential to cause an adverse effect on species of conservation interest occurring within the site (ground nesting meadow pipit, the main host for the common cuckoo, and skylark) and invertebrates. These species are also protected by the Wildlife Acts 1976-2012.

- Impacts would be caused by loss of open rough grassland habitat, barriers to movement and bird injuries/fatalities through collisions.
 - The applicant's assessment fails to address the potential for collision risk and was completed without winter water bird flight line survey work. No proposals are made to monitor avian, invertebrate or other wildlife mortality at the site.
 - Recommend further information in respect of the above and that the lands at the northwest end of the site (c.7.4ha) be excluded from the application area due to their importance as meadow pipit and skylark habitats.
 - Recommend a precautionary approach, in the absence of national guidance on solar farms.
- DCHG (31st January 2017) – Note the submission of further information (nature conservation) and recommend that the planning authority apply the precautionary principle when considering the information received.
 - An Taisce (18th September 2017) – Refer to the absence of national guidelines and state that the planning authority should ensure optimum site suitability is selected, protecting biodiversity, sensitive areas, archaeological heritage and good tillage land.
 - IAA (20th September 2017 and 18th January 2018) – Applicant should assess any potential for glare and glint for aircraft flying to and from Abbeyshrule Aerodrome.
 - OPW – Part of the site benefits from the River Inny Catchment Drainage scheme and may be at risk of flooding. A 10m strip should be retained adjacent to the water channels on site for maintenance.

3.4. Third Party Observations

- 3.4.1. There are two third party observations on file, one made in response to the initial application and the second after the submission of further information. Both are made by the same parties, Martin and Alan Maher and Philomena Sullivan (properties H76 and H56, Appendix 3, RFI) raise the following issues:

- **Serious impact on residential amenity and impact on value of property**, in particular Philomena Sullivan’s property which would be enveloped by the development. No visual assessment of views of the solar farm from garden. Cumulative effect of development with neighbouring permitted solar farm under PA ref. 17/6028. Consequential loss of property value.
- **Scale of development and cumulative impact** of solar farm developments in the area, including 19ha solar farm permitted immediately adjacent to the site. **Precedent** set by the Board’s determination of PL26.247217.
- **Policy context, lack of adequate guidelines.** Development of this scale is premature pending the absence of national guidelines and a County strategy identifying suitable locations for solar farms. Local Area Plans indicate the expansion of Clondaris towards the application site. Similar to the extractive industry (Policies P-EI3 and P-EI7 of CDP) the County Council should ensure that solar farms are sufficiently removed from residential development so that they do not adversely impact on residential amenity. Unlike minerals, solar farms are not site specific and can be located at more suitable locations.
- **EIA** – Warrants the preparation of an EIA (EIA legislation is out of date) to adequately assess likely effects, including cumulative impacts.
- **Surface water** – Development will install a significant impermeable surface above. No assessment of likely impacts.
- **Agricultural impact assessment** – Little definitive proposals for use of agricultural land during the lifetime of the solar farm. Question how pasture under the solar panels will benefit from sunlight and rainwater.

3.5. Other Observations

- 3.5.1. In response to the observations by the DCHG, the applicant states (in their letter to the planning authority, 19th October 2017) that the ‘open rough grazing’ referred to by the Department does not occur on site and may have been confused with ‘semi improved neutral grassland’. They also refer to the proposed increase in new native meadow planting as part of the application (14,880sqm) in the identified biodiversity

areas, with the potential to increase semi-natural grassland on the site. They argue that the recommended omission of 7.4h is unjustified.

4.0 Planning History

- PA ref. 17/6028 – Planning permission was granted by the planning authority for a 12.458 MW solar farm on land to the northwest of the appeal site (21.35ha). This directly adjoins the appeal site (see file).
- PA ref. 17/6224 – Planning permission was granted in April 2018 for the extension of the above solar farm by 6.43ha.

5.0 Policy Context

5.1. European, National and Regional Policy

- European Union Directive 2009/28/ED – This Directive promotes the use of energy from renewable resources and requires Member States to adopt, and report on, a national renewable energy action plan.
- National Renewable Energy Action Plan (NREP) – This Plan sets out how the overall national target for the use of renewable energy (16%), across different sectors, will be achieved.
- White Paper, Ireland's Transition to a Low Carbon Energy Future 2015-203 – This statement of government provides a framework to guide policy and actions in the energy sector up to 2030. The document refers to the potential for solar energy to increase energy security, contribute to renewable energy targets and support economic growth and jobs.
- National Planning Framework, Project Ireland 2040 – This national spatial planning policy document identifies '*transition to a low carbon and climate resilient society*' as one of 10 National Strategic Outcomes, and advocates development of renewable sources, including solar energy, in rural areas in order to meet this challenge (Section 5.4).
- Food Harvest 2020 – Is the government's national strategy for the direction of agri-food, forestry and fisheries over the next decade. It sets out targets to

significantly increase the primary output of these sectors over the plan period, improving value added in the sector, exports, milk production and value to the beef sector.

- Regional Planning Guidelines for the Midlands Region 2010 to 2022 – Includes, as one of 13 strategic goals, *‘to promote the delivery of renewable energy particularly in the context of energy infrastructure in the Midland region’* (goal 8). Strategic recommendations of the Plan:
 - The sustainable improvement and expansion of the electricity transmission and distribution network (TIP32), and
 - The sustainable development of infrastructure to assist in the delivery of renewable energy, in the context of existing energy infrastructure and the need to make a transition from peat to renewable energy (TIP33).

Economic development policies support and encourage the continuation of agriculture (EDP.14)

5.2. Westmeath County Development Plan 2014 to 2020

- 5.2.1. Section 3.30 of the Plan addresses the rural economy. It refers to the largely rural nature of County Westmeath, with agricultural being the primary land use and policies seek to support agricultural development, protect the viability of farms and best quality agricultural land, and the diversification of the industry (policies P-GA1 and P-GA6).
- 5.2.2. Section 10.3 of the plan deals with renewable energy and encourages the development of renewable energy resources in an environmentally acceptable manner (Policies P-EN1 to P-EN5). Solar energy is referred to in section 10.7 which states *‘Westmeath may be suitable for the development of solar power technologies. Solar applications are usually small scale and can supply electricity or energy. Solar energy provides a suitable source of energy for buildings. The Council will encourage solar energy in commercial and residential developments, subject to design and other considerations’*.
- 5.2.3. The appeal site lies within the Central Hills and Lakes Landscape Character Area, an area of high scenic quality and amenity value. The site lies outside of the Area of

High Amenity designated around Lough Owel and is removed from protected views (see attachments). Policies of the plan seek to protect the distinctiveness, value and sensitivity of the County's landscapes (P-LCA1). There is no land zoned in the immediate vicinity of the site for substantial development.

5.3. Natural Heritage Designations

- 5.3.1. A number of European and national sites of nature conservation interest lie within 15km of the site (see assessment below). Nearest to the site, these include Walshestown pNHA (c.200m to the south east of the site) and the Royal Canal pNHA, c.1km to the south west of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. Grounds of appeal are similar to the matters raised in observations and comprise:
- Loss of residential amenity and depreciation of property value.
 - Cumulative impact of the development and lack of adequate guidelines.
 - EIA.
 - Surface water and agricultural impact.

6.2. Applicant Response

- 6.2.1. The applicant responds as follows to the appeal:
- Loss of residential amenity/property value – The appellant's property (H56) is c.77m from the nearest solar panel, solar panels have been omitted from the field opposite the appellant's property and landscaping works are proposed which will further limit impact on the amenity of the property. The visual impact assessment concludes that the development will be of limited visibility before the provision of landscape screening and little or no visibility post establishment of screening. The findings of the report were accepted by the planning authority and provision/maintenance of landscaping is controlled by condition. Impacts of glint and glare, noise, air quality and traffic were

found to be imperceptible during construction and operation. Construction access/traffic is removed from the appellant's property. Operational traffic will be very low and will access the site c.250m east of the appellant's property (H56). There is no evidence that solar farms depreciate property values and this position has been accepted by the Board.

- Cumulative impacts and lack of adequate guidelines – The cumulative effect of the proposed development has been taken into account in the applicant's technical assessment of the proposed development. No significant cumulative effects were identified in the report or by the planning authority. Refer to the High Court's findings in *Element Power Ireland v An Bord Pleanála* [2017] IEHC 550, and state that notwithstanding this, support is given to renewable energy production at national, regional and local levels.
- EIA – Solar PV development fundamentally differs from the energy industry developments set out in Schedule 5, Part 2, Class 3 of the EIA Regulations (lack of excavation/disturbance to surface, passive nature of operational phase, lack of permanent features on the landscape post decommissioning, little impact on receiving environment). Due to its scale and construction and operational impacts, the proposed development would not meet the requirements of Schedule 7 for sub-threshold development. The Inspector's report in respect of PL27.249025 reached similar conclusions.
- Surface water and agricultural development – Drainage and hydrological features of the existing site and proposed arrangements are set out in sections 6.3 and 6.4 of the Environment Report. Proposed arrangements incorporate sustainable drainage system design to ensure that surface run off is limited to pre-development levels. Supports for panels take up less than 0.5% of total surface area. Rows of panels are separated by c.3.5m allowing for distribution of rainfall for adequate infiltration. Conditions of the permission ensure that surface water is managed appropriately. Over the lifetime of the development, the appeal site will continue to be farmed. However, acknowledge that agricultural productivity of lands will reduce. Once development has been removed the productivity of the lands will not be harmed. The planning authority has accepted these conclusions.

6.2.2. In addition, the applicant draws the Board's attention to condition nos. 3 and 5 of the permission which, it is argued, require clarification for the following reasons:

- No. 3 – Connection to grid. The method of connection to the national grid is determined by ESB Networks ('Least Cost -Technically Feasible') and any offer of grid connection is outside of the applicant's control. Two reasonable proposals have been included by the applicant and these inform third parties of the wider scope of the project and enable screening for EIA and AA. Once known the required grid connection will be subject of a separate consent procedure, either for declaration under section 5 of the Planning and Development Act, 2000 (as amended) or through making a planning application. These procedures allow the planning authority to control how road infrastructure will be protected and ensure that traffic safety is not compromised. The consent procedures will also be subject to screening for EIA and AA. It has therefore been normal practice for the Board to indicate in a grant of permission for solar farms that the permission cannot be regarded as a form of consent for grid connection (e.g. PL09.249155). Condition no. 3 falls outside of the scope of the planning application. Request that the condition is replaced with wording similar to that provided by the Board under PL09.249155 (condition no. 5).
- No. 5 – There is no rough grazing at the 'north west end' of the site. Habitats are dominated by semi-improved neutral grassland (GS1) and improved grassland (GA1) and were in use for agricultural land uses (grazing, arable crops and hay/silage). The applicant has demonstrated that the development will not give rise to the impacts/effects on conservation interests of nearby SPAs or bird or insect species, as originally identified by the DCHG. The exclusion of the 7.4ha referred to is therefore not necessary. DCHG recommended a precautionary approach but no specific measures. It is not clear which lands condition no. 5 refers to. DCHG refer to the north-west end of the site and condition no. 5 refers to the north-western area. It also requires the re-location of the sub-station, which is in the north eastern side of the site. The location of the sub-station was selected to minimise possible impacts to local amenity. If it is re-located by condition, it will not form part of the detailed assessed submitted with the planning application,

third parties will have no input and it would require the omission of landscape/ecology measures proposed around the sub-station.

6.3. **Planning Authority Response/Observations/Further Responses**

- None.

7.0 **Assessment**

7.1. Having regard to the submission on file and my inspection of the appeal site, key issues for this appeal relate to, and can be confined to, the matters raised in the course of appeal, as follows:

- Policy context, precedent and prematurity.
- Environmental impact assessment.
- Impact on residential amenity and property values.
- Impact on agriculture.
- Surface water.
- Conditions of the permission.

7.2. **Policy context, precedent and prematurity.**

7.2.1. Currently no national planning guidelines exists for solar energy development. As referred to by the appellant, under PL26.247217 (10-year permission for solar farm on 89.46ha in Co. Wexford) the Board decided to refuse permission for the development on grounds which included the absence of national guidelines.

However, the decision was challenged and the High Court quashed the decision as there was no provision in the Planning and Development Act, 2000 (as amended) which would entitle the Board to refuse permission on the grounds of absence of national policy.

7.2.2. Notwithstanding the above, it is evident that the development of renewable energy is widely supported by national, regional and local planning policy (see Section 5.0 above), subject to environmental safeguards, as part of measures to address climate change and energy security, whilst also contributing to rural diversification, economic

development and job creation. The proposed development, as a solar farm, comprises a renewable energy development, and is therefore, in principle, consistent with strategic and local planning policies. Environmental effects and safeguards are discussed below.

7.3. Environmental impact assessment.

7.3.1. The proposed solar farm is a type of development that does not fall within any of the Classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). Consequently, environmental impact assessment is not required and the judgement arising out of O’Grianna v An Bord Pleanála, referred to by parties to the appeal, therefore does not apply to this case i.e. there is no requirement to include details of grid assessment in the application.

7.3.2. Notwithstanding this:

- (i) The proposed development may give rise to environmental effects and these are identified by the applicant and considered in this report, and
- (ii) The proposed development is not a standalone project i.e. it could not operate without grid connectivity. The applicant has put forward two alternatives for grid connection, one via the public road network to the ESB sub-station in Mullingar and one via a loop-in connection to the OHL lines which traverse the site. In practice, ESB will dictate the form of connection to the network but the options considered by the applicant seem reasonable and enable the wider effects of the development (including cumulative effects) to be considered at this stage. Any future connection to the grid will be considered within the appropriate consent framework at the time.

7.4. Impact on residential amenity and property values.

Landscape, Visual and Land Use Effects

7.4.1. The proposed development is situated in a rural area. Figure 11.2 of the Planning and Environmental Report indicates residential properties within 100m, 500m and 1km of the site boundary. The area is characterised by a gently undulating landscape, a network of agricultural fields that are separated by hedgerows and a

public road network that is often bound by high banks and/or vegetation and/or development.

- 7.4.2. The proposed development whilst covering a large area is modest in height i.e. with solar panels rising to no more than 2.8m in height. Consequently, having regard to the character of the landscape, views of the proposed development from the public road network (and properties alongside it) will quite limited and the development would generally be contained within the existing site and its framework of hedgerows. Boundary vegetation within and surrounding the site will be enhanced and improved as part of the development and I do not consider, therefore, that any adverse effects on residential amenity will arise for any of the properties that are removed from the site, as a direct result of it or cumulatively with the permitted solar farm to the north of it (PA ref. 17/6028).
- 7.4.3. With regard to the appellant's properties, these are situated to the south of the cul-de-sac providing operational access to the site, referenced H56 and H76 in Appendix 3 of the applicant's response to the request for further information (RFI).
- 7.4.4. The proposed development lies to the north west of property H76 and will be separated from it by the existing hedgerow which will be retained and thickened. I do not consider therefore that any adverse effects will arise on the amenity of the property.
- 7.4.5. With regard to Ms Sullivan's property, H56, this lies c.52m to the east of the proposed solar farm and c.160m south east of the solar farm permitted under PA ref. 17/6028. The property will remain separated from the two solar farms by existing agricultural fields to the north of the property and to the south and southwest of the property.
- 7.4.6. The applicant's assessment of visual effects of the proposed development is set out in Appendix 4 of the RFI. Having regard to this and my inspection of the site, I would consider that the views of the immediate surroundings of the property would not change. However, I would accept in the short term the solar farms would be visible in the wider landscape, changing the traditional use and character of agricultural fields. In the longer term, the hedgerow enhancement and new hedgerows will reduce views of the solar farm (see photomontages). These impacts will occur principally to the west of the property, will occur at reasonable distance from it and

be limited in scale (height) i.e. I do not consider that there would be a serious effect of enclosure, limited or restricted views etc. on the property. Whilst I would accept therefore that the wider landscape context of the appellant's property will change, I do not consider that the effects will be of such a degree to adversely affect residential amenity or property value.

Impacts on amenity arising from glint and glare, noise, air quality etc.

- 7.4.7. The applicant's Glint and Glare Assessment considers the likelihood of glint and glare on properties in the vicinity of the appeal site, as a consequence of the proposed development and in conjunction with the permitted solar farm to the north. In both instances, magnitude of impact is considered to be negligible or very low for all receptors, once mitigation is established. Having regard to the relative orientation of properties to the solar farm (and orientation of panels), nature of the landscape in which the development is situated, prevalence of intervening hedgerows and proposals for additional landscaping, the conclusions drawn seem reasonable.
- 7.4.8. Section 11 of the applicant's Planning and Environmental Report considers the likely effects of the development on land use, noise, air quality and the socio-economic effects of the development. Having regard to the relative positioning of sensitive receptors in relation to the development, the conservative approach adopted in the assessments carried out (e.g. worst case/simultaneous operation of equipment), the generally modest effects predicted and the proposed mitigation measures, I do not consider that the development by itself or in conjunction with the permitted development to the north of it, will give rise to significant effects on amenity in the long term. I would accept, however, that during construction short term impacts may arise for some residents e.g. from construction traffic and equipment.

7.5. Impact on agriculture.

- 7.5.1. The proposed development entails a land take of c.46.3ha. In conjunction with the adjoining permitted solar farm (21.35ha plus 6.43ha extension), land take would be c.74ha. The appellant argues that the development would be comparable to the solar farm refused by the Board under PL26.247217 and, in the absence of national guidelines on solar farms, such a loss of agricultural land is excessive and premature.

7.5.2. As stated, the decision of the Board under PL26.247217 (10-year permission for a solar farm on 89.46ha, Co. Wexford) was quashed by Order of the High Court on the grounds that the Board acted *ultra vires*. The case has been re-submitted to the Board and is currently undecided (ABP-301321). Notwithstanding this, I would comment as follows in respect of the proposed development:

- As stated, whilst there remains an absence of planning guidelines for solar farm development, there are clear national, regional and local policy objectives which support the development of renewable energy, including solar power, in the interest of combating climate change and energy security.
- Policies at national, regional and local level for the agricultural sector, support not only its development but also its diversification (see section 5.0 above).
- The proposed development, in conjunction with the permitted solar farm to the north, comprises locally a substantial land take, but in the context of the overall agricultural land bank of Westmeath, it is not significant.
- The appeal site (and adjoining solar farm site) will continue to be used for agriculture over the lifetime of the proposed development, albeit at a lower intensity. Further, the proposed land use will be temporary, with the lands fully restored to agricultural use on cessation (see also Agricultural Impact Assessment, Appendix 2, RFI).
- No submissions have been made by the agricultural industry raising concerns regarding the impact of land loss as a consequence of the proposed development (alone or in-combination with the adjoining development).

7.5.3. Having regard to the above, I consider that the scale of the proposed development and in conjunction with the adjoining permitted solar farm is neither excessive or premature, but consistent with the current planning policy context for both renewable energy development and agriculture.

7.6. **Surface water.**

7.6.1. Section 6 of the applicant's Environmental and Planning Report considers site drainage. It is proposed that solar panels will be erected on tables (legs 5 – 6m apart), with rows of tables separated from each other by c.3.5m. It is anticipated that

rainwater falling on the solar panels will run off the surface and flow/infiltrate in the sheltered rain shadow underneath the downslope modules.

- 7.6.2. These arrangements are typical of many solar farms and will result in little additional impermeable area, or therefore significant changes to existing surface water flows.
- 7.6.3. Drainage arrangements for the development are shown in drawing nos. P1031-0100-0005 to 0008. These include 'over the edge' arrangements for the access tracks, with water directed from this, the sub-station, hardstanding and temporary construction compound, to swales for discharge via a number of stilling ponds (which will slow flows and treat any suspended solids). The arrangements seem reasonable and would prevent any significant surface water flows within or from the site as a consequence of the more the substantial infrastructure (or therefore any exacerbated risk of flooding elsewhere).

7.7. **Conditions of the Permission**

Conditions No. 3 – Grid Connection

- 7.7.1. Condition no. 3 of the planning authority's grant of permission requires the development to be connected to the grid via the adjacent 110kV OHL (Option B in Section 2.2 Planning and Environmental Report). As stated previously in this assessment, the proposed development does not require EIA or therefore details of grid connection for the purpose of environmental impact assessment. Two reasonable options have been provided by the applicant to demonstrate how the development could be connected to the national grid and which allow for wider and cumulative impact assessment. In practice ESB will determine the precise nature of the proposed grid connection and any consequential application for this will be determined on its merits at the time. I consider, therefore, that condition no. 3 is inappropriate and should be omitted. The applicant suggests a similar condition to that included with the Board's grant of permission under PL09.249155 in respect of a proposed solar farm in County Kildare, i.e. that the permission shall not be construed as any form of consent or agreement to a connection to the national grid. This would seem reasonable and consistent with the approach taken by the Board elsewhere.

Condition No. 5 – Impact on Ecology

- 7.7.2. In their initial observation on the application for the proposed development, the DCHG raised concerns regarding:
- The proximity of the site to sites of conservation interest,
 - The effect of the development on species of conservation interest on the site, notably ground nesting birds of open rough grassland or heath habitat, Meadow Pipit (the main host for the declining Common Cuckoo) and Skylark, and
 - The potential for the development to impact of these by way of loss of open rough grassland habitat, barriers to movement and bird injuries/fatalities from collisions (birds mistaking reflective surface for a water body).
- 7.7.3. They also raised concerns regarding the absence of a winter water bird flight survey and the absence of proposals to monitor avian, invertebrate and other wildlife mortality at the site. The Department therefore recommended that the north-west end of the site comprising 7.4ha be excluded from the application area due to their importance for Meadow Pipit and Skylark habitats. Subsequent to the RFI, the Department recommended a precautionary approach. On foot of this, condition no. 5 of the planning authority's grant of permission requires (a) monitoring of avian, invertebrate and other wildlife mortality on the site, (b) excluding the north-western area of c. 7.4ha from the site and re-location of the fenced substation, and (c) white grid partitioning of solar panels.
- 7.7.4. The applicant argues that the condition is ambiguous, as it does not identify the 7.4ha referred to in the condition, and is unnecessary as the development, as demonstrated in the Ecological Impact Assessment (EclA) and Appropriate Assessment Screening Report, will not have an adverse effect on habitats, avian, invertebrate or other wildlife species.
- 7.7.5. Impact of the development on ecology is examined by the applicant in two reports, the Ecological Impact Assessment and the Stage 1 Screening for Appropriate Assessment.
- 7.7.6. Sites of nature conservation interest in the wider environment are shown in Figure 1.1 of the EclA. Conservation interests include, for SACs, habitats and species occurring within protected sites and, for SPAs, principally wetland and waterbirds occurring within the site.

- 7.7.7. Habitats occurring within the appeal site are shown in Figure 3.1, EclA and include semi-improved neutral grassland, improved agricultural grassland and arable crops (as well as hedgerows, treelines, drainage ditches and stonewalls). In addition, the EclA records bird species, terrestrial mammals, bats and other taxa which were observed on the site during the walkover survey (Section 3.3). These include two Red listed bird species of high conservation concern (Meadow Pipit and Yellowhammer) and nine amber listed species (including Skylark). Inactive badger setts were also observed and the habitats on site were considered to be part of a wider landscape that has moderate resource value for bat species. Overall the EclA rates the site as having Low to Moderate Value, Locally Important (E-D rating, see Appendix B, EclA).
- 7.7.8. Impacts of the development on designated sites and on habitats and species on site are assessed in the report and considered not to be significant. I set out for the Board a summary of the key points made:

Designated Sites – Construction/operation/post-operation

- Indirect hydrological impacts – Downstream European sites are significantly removed from the appeal site and surface water on site will be managed via the interception of overland flows and other standard construction practices. During operation surface water will continue to be accommodated within the on-site drainage system. Impeded surfaces comprise a significantly small area of the site. Post operation the site will be decommissioned and returned to agriculture, under best practice guidelines/environmental controls.
- Disturbance/displacement impacts re fauna – The site is sufficiently removed from European sites such that disturbance/displacement of species of conservation interest will not arise. The habitats on site are not used by mobile species of conservation interest in nearby European sites and indirect effects will therefore not arise.

(For similar reasons the Stage 1 Screening for Appropriate Assessment also concludes that the proposed development would not, of itself, or in combination with other plans or projects give rise to significant effects on any European site).

Habitats and Flora on Site

- Construction/operation/post operation – Habitats on site have moderate to low ecological value. Limited impacts on habitats will arise during construction (i.e. little land take). Proposed mitigation measures (screening and biodiversity areas) will increase ecological value of site during operation. On-site water features, including the existing riparian zone, will be maintained. During operation no impacts on habitats or flora will arise. Site can continue to be grazed or left fallow. Fertilisers and chemical based substances will not be used while the solar farm is in operation. Therefore, likely increase in flora species on site and possible overall improvement in floral biodiversity. In addition, with additional planting, hedgerow, trees and biodiversity areas potential impact of development on habitats/flora is considered to be slight positive.

Impacts on Fauna

- Construction– No Annex 1 bird species recorded on site or in surrounding area. Yellowhammer likely to be associated with arable crops at site and in wider area. Meadow Pipit likely to be associated with areas of open grassland and field boundaries. Habitats of highest value on site for most bird species is hedgerows and trees. These will not be significantly affected by development (net gain with mitigation). Overall Landscape Mitigation Plan will provide all-year feeding opportunities for avian seed-eaters (including Yellowhammer and Meadow Pipit). No impacts on trees/hedgerows for bat species. Other species on site are widespread and abundant in the Irish landscape. Construction may cause temporary movement into surrounding landscape. 10m buffer to be maintained from badger setts to nearest access track and 7m buffer to nearest fence.
- Operation – Access to site by mammals will be maintained through mammal access points (fence) or 200mm gap (where fence crosses Mill Stream). Solar farm will be unmanned, not lit so no disturbance impacts.

Cumulative impacts

- European sites - No cumulative effects to European sites during construction or operation given distances to sites via hydrological link, absence of species of conservation interest utilising individual and collective solar farm sites.

- Ecology of site – Both proposed and permitted sites of limited ecological value. Mitigation measures and landscape management plans provide for access to site (e.g. badger) and means to enhance and maintain species diversity.

Grid connection

- Option A (underground cable) – Temporary and localised impacts on semi-natural habitat and modified habitats. No impacts on operation/post operation (for same reasons above).
- Option B (loop-in connection) – Impact covered above.

7.7.9. In addition to the above, the applicant's RFI addresses the matters raised by the Department. Notably, the following points are made and supported by referenced research papers:

- Impact on birds – Whilst bird collisions have been recorded at very large facilities in the US, Concentrated Solar Power sites (Californian desert), evidence suggests that avian collision risk at PV solar panels is low. Migrating wintering waterbirds are known to occur at designated sites in the wider area but the appeal site comprises relatively intensive agricultural grassland/arable crop in a similar landscape that does not support wetland habitats of significance for these birds. Further, the site has no known history of wintering wildfowl.
- Barriers to movement – No such concerns have been raised in relation to low-lying PV sites in Ireland/UK/north-western Europe.
- Bird flight line survey work – Having regard to the above, winter water bird flight line data is not considered necessary.
- Impact on insects – Research indicates that PV solar panels can impact on some aquatic insect species, mistaking the infrastructure for waterbodies. However, the site lacks water-features of natural significance in relation to aquatic insects, is substantially removed and screened from the nearest wetland site (Walshestown Fen pNHA) and the solar panels will have an anti-reflective surface with an aluminium/steel frame border and partitioned into a grid structure (reduce attractiveness of panels to insects). Recent studies have indicated increased insects at solar farm sites (butterflies, bumblebees),

e.g. use of diverse seed mixes/mowing regimes etc. Habitat improvement measures are included for the proposed development.

- Mortality data – This is usually collected where there is a risk of mortality. However, mortality risks are not considered to be relevant.
- Loss of rough grassland/impact on Meadow Pipit and Skylark – These species were noted on the walkover survey. No nesting or nesting behaviour was observed. None of the agricultural grassland on site is considered to conform to a semi-natural or rough nature. Agricultural grassland at the north-western end of the site does not differ significantly from that elsewhere. The ungrazed silage/hay crop fields present the best nesting opportunity for Meadow Pipit and Skylark, but the current grass cutting regime may impact on nesting attempts. Evidence suggests that solar farms can be used by Skylark as part of their breeding season territories and foraging sites. Habitats will be enhanced on site and will provide further support for all-year feeding opportunities for these birds. Research indicates that there may be wider reasons for the decline of the Cuckoo. The exclusion of 7.4ha from the north-western part of the site is considered, therefore, to be unnecessary.

7.7.10. Neither the Department's or the planning authority, provide evidence to support the concerns raised or information to contradict the arguments put forward by the applicant. In the absence of this, I consider that the applicant has satisfactorily demonstrated, that:

- i. The site of the proposed development is not used by any of the mobile species of conservation interest associated with nearby European sites, and
- ii. The solar farm, given the PV technology proposed, the low-lying nature of the site and its remove from water bodies, it is not likely to give rise to serious risk of collisions for birds or other species or to barrier effects.

7.7.11. I do not consider, therefore, that additional bird flight surveys or a programme of monitoring of wildlife mortality is warranted (condition 5a) or that the solar panels have white grid partitioning (condition 5c). With regard to ground nesting species (Meadow Pipit and Skylark) and the exclusion of 7.4ha from the north-western area of the site, I have the following comments:

- i. There is no clear identification of the 7.4ha of the north-western area of the site referred to by the Department.
- ii. Some of the fields in this area comprise neutral grassland and others arable crops. However, both are actively worked as farmland and whilst the Meadow Pipit and Skylark were observed on the site (although it is not clear where), there was no evidence of nesting. This would suggest that the site may be part of a wider territory for foraging etc.
- iii. Notwithstanding this, the bird species referred to are of conservation interest and nationally have undergone significant decline. Consequently, a conservative approach should be adopted to at least maintain existing populations.

7.7.12. If the Board are minded to grant permission for the development, I would recommend that an additional area of c.1.0ha in the north-western area of the site is identified in conjunction with the Department and be given over to provide an open grassland habitat for these species which is actively managed for the duration of the project for their conservation interest (i.e. that condition no. 5 is modified to this effect). Otherwise measures set out in the landscape plan for the site, subject to appropriate management will provide overall benefits to the ecology of the appeal site. This matter can be dealt with by condition.

7.8. Other Matters

- 7.8.1. I note that IAA raised issues regarding the risk of glint and glare on airfields in the vicinity of the site. However, this matter has been specifically and adequately addressed by the applicant in the Glint and Glare report and I am satisfied that no significant impacts on airfields will arise as a consequence of the development.
- 7.8.2. The applicant's archaeological impact assessment identified a feature of folklore interest on the site (fairy tree, field 5) and recommended that this be protected by a buffer zone. This matter can be dealt with by condition.

8.0 Screening for Environmental Impact Assessment

- 8.1. As stated above, the proposed development is of a type which does not fall within any of the classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and

Development Regulations, 2001. Consequently, neither EIA or screening for is required.

9.0 Appropriate Assessment

9.1. The appeal site lies within 15km of 11 European sites (the River Boyne and River Blackwater SAC just outside of this distance, at c.17km). These are listed in the applicant's Appropriate Assessment Screening Report and in Figure 1.1 of the EclA. In summary these comprise:

European site (SAC/SPA)	Site Code	Distance	Conservation Interest
Lough Owel SAC	000688	1.922km	Hard water lakes, transition mires, alkaline fens, White Clawed Crayfish.
Lough Owel SPA	004047	1.922km	Shoveler, coot, wetland and waterbirds
Lough Iron SPA	004046	4.848km	Whooper swan, wigeon, teal, shoveler, coot, golden plover, Greenland White-fronted Goose
Lough Ennell SAC	000685	5.010km	Alkaline fens.
Lough Ennell SPA	004044	5.082km	Pochard, tufted duck, coot, wetland and waterbirds.
Scragh Bog SAC	000692	5.625km	Transition mires, alkaline fens, Slender Green Feather-moss

European site (SAC/SPA)	Site Code	Distance	Conservation Interest
Lough Derravaragh SPA	004043	10.995km	Whooper swan, pochard, tufted duck, coot, wetland and waterbirds
Garriskil Bog SAC	000679	11.323km	Raised bog (active), degraded raised bog, rhynchosporion vegetation.
Garriskil Bog SPA	004102	11.367km	Greenland White-fronted Goose
Ballymore Fen SAC	002313	13.489km	Transition mires.
Glen Lough SPA	004045	13.992km	Whooper swan
River Boyne and River Blackwater SAC	002299	c.17km	Alkaline fens, alluvial forest, river lamprey, Atlantic salmon and otter.

- 9.2. The proposed development is not directly connected with or necessary to the management of any European site. Potential indirect and in-combination effects on conservation interests are considered in the applicant's Appropriate Assessment Screening Report.
- 9.3. Impacts on four Special Areas of Conservation are ruled out on the grounds that the sites are substantially removed from the appeal site, comprise no mobile species of conservation interest and are not hydrologically connected to the appeal site area. This approach seems reasonable and Lough Owel SAC, Scragh Bog SAC, Garriskil Bog SAC and Ballymore Fen SAC are screened out of the assessment.
- 9.4. Impacts on otter are considered ruled out on the grounds that the waterbodies that may be affected by the underground grid connection to the site and within the

foraging range for Otter (associated with the River Boyne and River Blackwater SAC) are removed from the site (i.e. >1km). This conclusion seems reasonable.

- 9.5. Potential impacts on SPAs arise from (i) hydrological connections between the appeal site and downstream water bodies (i.e. Lough Ennell SPA), and (ii) the possible use of the appeal site by mobile species of conservation interest (i.e. Lough Owel SPA, Lough Ennell SPA, Lough Iron SPA, Lough Derravaragh SPA, Garriskil Bog SPA and Glen Lough SPA).
- 9.6. Impacts on Lough Ennell (by virtue of hydrological connection) are ruled out on the grounds that the European site and appeal site are substantially removed and that surface water will be controlled and/or managed on site such that no adverse emissions arise from the site e.g. sediment laden waters. The conclusions reached seem reasonable in view of the modest nature of construction works, distance between the sites and standard measures proposed to control site drainage.
- 9.7. Impacts on wetland birds associated with the different Special Protection Areas are ruled out on the grounds that no suitable wetland habitats are present on the appeal site and, significantly, that none of the bird species have not been recorded as using habitats on or near to the appeal site. This conclusion is not questioned or challenged by any of the parties to the appeal and there is no evidence to suggest usage of the site by the bird species of conservation interest in nearby European sites.
- 9.8. Cumulative impacts, with the adjoining permitted solar farm, are ruled out on the basis of the conclusions drawn in the assessment of the proposed development and the screening exercise for the permitted solar farm, which also concluded that no impacts on European sites would arise.
- 9.9. Having regard to the above, I am satisfied that that having regard to the nature of the proposed development, the absence of wetland habitats on site, the separation distances between the site and nearby European sites and the absence of substantive linkage between the proposed works and the European sites, all the SACs and SPAs identified above, can be screened out from further assessment.

9.10. **Appropriate Assessment Screening Conclusion**

9.11. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order 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 European Sites in the vicinity of the site (listed above) in view of the site(s) conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

10.0 **Recommendation**

10.1. It is recommended that permission for the proposed development be granted subject to condition.

11.0 **Reasons and Considerations**

Having regard to national, regional and local planning policy which supports the development of renewable energy, the temporary nature of the development, its limited effect on the long term potential of the agricultural land comprising the appeal site, the landscape context for the proposed development and the proposals for additional planting and biodiversity enhancement, it is considered, that subject to compliance with the conditions set out below, the proposed solar farm by itself and in-combination with permitted development would not be injurious to the visual and residential amenities of the area, depreciate property values or give rise to the risk of flooding and would otherwise be in accordance with the proper planning and sustainable development of the area.

12.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 14th day of December 2017 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 10 years from the date of this Order

Reason: Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. The permission shall be for a period of 30 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

Reason: To enable the planning authority to review the operation of the solar array in the light of the circumstances then prevailing.

4. 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.

5. Prior to the commencement of development, the applicant shall submit to the planning authority for written agreement:

- i. Omission of solar panels from an additional 1.0ha in the north-western area of the site (to be agreed with the Department of Culture, Heritage and the Gaeltacht) and provision of a grassland habitat for bird species of conservation interest.
- ii. Detailed arrangements for the management of the biodiversity of the site (including the above grassland habitat) over the operational phase of the development.
- iii. Provision of a discreet 5m radius buffer zone around the 'fairy tree' in Field 5.

An annual report on the implementation and effectiveness of conservation

and bio-diversity measures shall be submitted to the planning authority and kept on the public file.

Reason: In the interest of biodiversity and to conserve archaeological heritage of the area.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. The proposed development shall be undertaken in compliance with all environmental commitments made in the documentation supporting the application. A report demonstrating compliance with these shall be submitted to the planning authority prior to the commissioning of the solar array.

Reason: To protect the environment.

8. All landscaping, including augmentation of existing boundary trees and hedgerows, shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerows that are removed, die or become seriously damaged or diseased within five years from planting shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority. Existing field boundaries including hedgerows and trees shall be retained.

Reason: In the interest of biodiversity, the visual amenities of the area, and the amenities of dwellings in the vicinity.

9. The inverters/transformer stations shall be dark green in colour. The external walls of the proposed sub-station shall be finished in a neutral colour such as light grey or off-white, the roof shall be black tiles.

Reason: In the interest of the visual amenity of the area.

10.
 - i. No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission, with the exception of emergency lighting for the electricity sub-station

compound. The emergency lighting shall only be illuminated in emergency circumstances for the repair or maintenance of the sub-station.

- ii. CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- iii. Each fencing panel shall be erected such that for a minimum of 300mm of its length, its bottom edge is no less than 150mm from ground level (or as otherwise agreed with the planning authority).
- iv. The solar panels shall have driven or screw pile foundations only, unless otherwise agreed in writing with the planning authority.
- v. Cables within the site shall be located underground.

Reason: In the interest of clarity, visual and residential amenity, traffic safety and to allow wildlife to continue to have access to and through the site.

11. All OPW maintainable channels shall be provided with a 10m wide maintenance strip adjacent to the channel. This strip shall not be fenced, paved or landscape in a manner that would prevent access by maintenance plant.

Reason: In the interest of flood prevention and mitigation.

12. i. Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, shall be submitted to, and agreed in writing with, the planning authority.
- ii. On full or partial decommissioning of the solar array, or if the solar array ceases operation for a period of more than one year, the site, including access road, shall be restored and structures removed in accordance with the said plan within three months of decommissioning/cessation, to the written satisfaction of the planning authority.

Reason: To ensure the satisfactory reinstatement of the site on full or partial cessation of the proposed development.

13. The developer shall facilitate the archaeological appraisal of the site and

shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. 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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
 - i. details of site security fencing and hoardings,

- ii. details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- iii. measures to obviate queuing of construction traffic on the adjoining road network,
- iv. measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- v. details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- vi. containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,
- vii. details of on-site re-fuelling arrangements, including use of drip trays,
- viii. details of how it is proposed to manage excavated soil,
- ix. means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of environmental protection, amenities, public health and safety.

15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of

the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory reinstatement of the site as envisaged in condition 11 above. 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 the satisfactory completion and maintenance of the development until taken in charge.

17. 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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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.

Deirdre MacGabhann

Planning Inspector

27th November 2018