



An
Bord
Pleanála

Inspector's Report ABP-301309-18

Development	10 Year Permission for a 96,600 sqm Solar Farm
Location	Growtown Upper and Growtown Lower, Barntown, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20180012
Applicant(s)	Terra Solar Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Terra Solar Ltd
Observer(s)	Anne Marie & Elizabeth Kearns
Date of Site Inspection	21 st August & 17 th December 2018
Inspector	Mary Crowley

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.3. Planning Authority Reports	6
3.4. Prescribed Bodies	7
3.5. Third Party Observations	7
4.0 Planning History.....	7
5.0 Policy Context.....	11
5.1. International Guidelines	11
5.2. National Guidelines	11
5.3. Regional Planning Guidelines	14
5.5. Development Plan.....	15
5.6. Natural Heritage Designations	18
6.0 The Appeal	19
6.1. Grounds of First Party Appeal.....	19
6.2. Planning Authority Response	20
6.3. Observations.....	20
6.4. Further Responses.....	20
7.0 Assessment.....	23
8.0 Principle / Policy Considerations.....	23
9.0 Process & Assessment.....	38
10.0 Refusal Reason No 1 – Inconsistencies.....	25
11.0 Refusal Reason No 2 – Strategic Policy	26

12.0	Refusal Reason No 3 – Visual Impact.....	28
13.0	Glint & Glare.....	31
14.0	Site Access & Traffic Impact	32
15.0	Archaeology and Heritage.....	33
16.0	Ecology	34
17.0	Appropriate Assessment	35
18.0	Environmental Impact Assessment Screening.....	37
19.0	Other Issues.....	38
20.0	Conclusion	41
21.0	Recommendation	42
22.0	Reasons and Considerations	42
23.0	Conditions	43

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 29ha (Question No 11 of the Planning Application Form refers) is situated in the townlands of Growtown Upper and Growtown Lower and is located c3km east of Taghmon and c 7km west of Wexford Town. The site is accessed from the south via the R738 which connects Taghmon with the N25 to the east at Larkins Cross junction. Irregular in shape, the site comprises 6 no different field parcels, subdivided by various internal hedgerows (refer Figure 1: Site Context of the Planning & Environmental Statement). Four of these occupy backland position's, with parcels 5 and 6 bounding the road to the south. The Mulmontry stream runs along a section of north eastern boundary (field parcels 4 and 5) and flows in an east to northwest direction. A large commercial forestry woodland is located to the north of this watercourse.
- 1.2. The general area is characterised as rural agricultural with associated structures and ribbon development. The appeal site is in agricultural use and includes miscanthus and laurel crops which are currently grown in field parcels 1 and 2 with the latter distributed in the forestry industry.
- 1.3. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. The application submitted to Wexford County Council on the 8th January 2018 was for a ten year permission for a solar farm consisting of circa 96,600 square metres of solar panels on ground mounted frames, 1 no. single storey substation (54sqm), 6 no. single storey electrical inverter/ transformer stations (29.8sqm x 6 = 178.9sqm), battery storage module (29.4sqm) and associated equipment container (15sqm), security fencing, satellite pole, CCTV, and all associated ancillary development. Construction and operational access to the site will be via the existing central field entrance from the R738, which will be reconfigured as part of the development. Total gross floor area is 277.3sqm.

2.2. Once constructed the solar farm will be an unmanned facility, which is monitored remotely by way of infra-red CCTV designed and installed in a manner that minimises glare. No lighting is proposed as part of the development. There is no requirement for potable water on wastewater treatment facilities as part of the constructed operational development.

2.3. The application was accompanied by the following:

- Cover Letter
- Glint & Glare Assessment
- Planning & Environmental Statement
- Outline Construction & Environmental Management Plan
- Archaeological, Architectural & Cultural Heritage Impact Assessment
- Ecological Impact Assessment
- Appropriate Assessment Screening Report
- Landscape & Visual Impact Assessment
- Photomontages
- Letter of consent form the landowners
- Minutes of Pre Planning meeting of 22nd November 2017 where it is stated that *the principle of a solar PV development is acceptable on these lands in Growtown Upper and Growtown Lower under the Wexford County Development Plan 2013-2019.*

3.0 Planning Authority Decision

3.1. Decision

3.2. Wexford County Council issued a notification of decision to refuse permission on 28th February 2018 for the following three reasons:

- 1) *The description of development provided by the applicant indicates that the proposal is for the installation of 96,600 square meters of solar panels, equating to 9.66 ha of solar panels. It is noted form the submitted site layout that the proposed solar panels would occupy a significantly larger area has been indicated by the description of development. Therefore, given the*

inconsistencies between the description and the proposed site layout, the extent of the proposed development is unclear.

- 2) *The proposed development would occupy highly productive agricultural lands and by virtue of the scale and extent of the development and in the absence of any current strategic or spatial policy guidance to direct such development to the most appropriate locations, the development would undermine the agricultural sector in the area and would result in piecemeal and premature development pending the adoption of a Renewable Energy Strategy for the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 3) *A number of important visual receptors have not been assessed as part of the Landscape and Visual Impact Assessment. It is of particular concern that a number of dwellings within the immediate area of the site or directly facing the site have not been included as part of the visual impact assessment, despite having been identified as relevant receptors as part of the glint and glare assessment. As such, in the absence of a comprehensive Landscape and Visual Impact Assessment of the proposed development, it is considered that the impacts of the proposed development are uncertain. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

3.3. Planning Authority Reports

3.3.1. Planning Reports

The **Case Planner** (4th March 2018) notes that the proposed panels (96,600 sqm) would occupy circa one third of the site area (29ha) but that the submitted site layout plans indicate that the solar panels would occupy a significantly larger area of the site than has been indicated by the description of development. Reference is made to PL26.247780 and the escalating number and scale of solar farm development proposals in County Wexford. Concern is raised that a number of important visual receptors have not been assessed as part of the Landscape and Visual Impact Assessment. The Case Planner recommended that permission be refused for three reasons relating to (1) inconsistencies in the development description and the proposed site layout, (2) development on highly productive agricultural lands and

absence of any current national, regional or local spatial strategy or land use planning guidance and (3) absence of a comprehensive Landscape and Visual Impact Assessment of the proposed development. The notification of decision to refuse permission issued by Wexford County Council reflects this recommendation.

3.3.2. Other Technical Reports

3.3.3. **Chief Fire Officer** (25^t January 2018) – Fire Safety Certificate is required.

3.4. Prescribed Bodies

3.4.1. **ESB** (22nd January 2018) – There is a 38kV overhead line traversing the site and also a medium voltage line within the boundary of the site. Stated that consideration will have to be taken into account for both lines prior to granting permission.

3.5. Third Party Observations

3.5.1. There is one observation recorded on the appeal file from Elizabeth Kearns who is in favour of the increased use of solar power in Ireland but raises concerns in relation to scale of the proposed scheme, absence of national guidelines, community consultation, impact to biodiversity, landscape and environmental capacity, use of productive agricultural land, impact in relation to amenity, inadequate analysis in relation to glint and glare and visual impact and traffic impact.

4.0 Planning History

4.1. There is no evidence of any previous planning application or subsequent appeal on this site provided with the appeal file. However previous decisions by the Board that are relevant to this scheme, and referenced throughout the appeal file may be summarised as follows:

- **ABP-301321-18 (PL26.247217) (Reg Ref 2016 0690)** – Wexford County Council refused a 10 year permission for a solar PV development on a site of 89.46 ha at Ballyminaun Big, Grahormick, Hilltown, Jonastown, Newhouse, Garryhask, Gibboghstown, Crosstown, Killinick and Tomhaggard a site 3km south of Killinick, Co Wexford for three reasons summarised as follows:

- 1) The overall scale, siting and elevated nature the proposed development fails to have regard to its setting in the landscape and therefore would have an adverse effect on the visual amenity of the area.
- 2) It was not demonstrated that glint and glare would not have a negative impact on users of the regional roads (R739 and R736).
- 3) Inadequate information submitted in relation to environmental impacts on water quality and wintering water fowl arising from the grid connection proposals.

The decision was appealed by the applicants, Highfield Solar Limited. The Board refused permission on 2nd February 2017 for one reason relating to 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. **The Boards Decision was subsequently quashed by Order of the High Court**, New Case Number ABP-301321-18 and the case remitted to the Board. The Board granted permission on the 11th January 2019 subject to 11 Conditions.

- **PL26.247366 (Reg Ref 2016 0811)** – Wexford County Council refused permission for the development of a solar photovoltaic array consisting of up to 88,600m² of solar panels on ground mounted steel frames with all associated site services and works at Ralphtown, Muchtown & Newtonbeg near Baldwinstown, Co. Wexford for the following reason as summarised:

- 1) Adverse impact of glint and glare on residential properties in close proximity to the site and on users of the surrounding road network, and that the proposed development could result in a traffic hazard

The decision was appealed by the applicants, Harmony Solar Ralphstown Ltd. The Planning Inspector recommended that permission be refused for three reasons summarised as follows:

- 1) Development, would undermine the agricultural sector in the area and would result in piecemeal and premature development pending the adoption of a Renewable Energy Strategy for the area.
- 2) Development would be highly visible and would give rise to glint and glare which would seriously injure the residential amenities of adjacent

residential properties and would affect road users, which would give rise to a traffic hazard

- 3) The Board was not satisfied that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of European sites

On the 23rd March 2017 the Board granted permission for the northern solar array at Newtown Big subject to 12 conditions and refused permission for the southern solar array at Ralphtown and Muchtown as the Board was not satisfied that the proposed development would not seriously injure the amenities of the area, or that the overall scale of development proposed would not be premature pending the adoption of national, regional or local guidance or strategy for solar power.

- **PL26.247780 (Reg Ref 2016 1096)** – Wexford County Council refused permission for the construction of a solar PV farm within a site area of 9.91 hectares at Ballybrennan Little, Killinick, Co Wexford which adjoins the N25 between Rosslare Harbour and Wexford for three reasons summarised as follows:

- 1) Premature Development due to location of site within the route corridor for the proposed Oilgate to Rosslare Road Improvement Scheme.
- 2) Traffic Hazard arising from the likely adverse impact of glint and glare on the users the surrounding road network, namely the N25.
- 3) Insufficient information regarding potential for cumulative impact from a number of permitted solar arrays in the vicinity of the site.

The decision was appealed by the applicants, Solas Eireann Development Ltd. The Inspector recommended that permission be refused for 3 no reasons (undermine the agricultural sector, premature pending the determination of the Oilgate to Rosslare Harbour Road Improvement Scheme and impact on European Sites). The Board refused permission for 3 reasons summarised as follows:

- 1) The proposed development would, be premature pending the determination by the planning authority of a final road layout for the area and would materially contravene Objectives T14 and T15 of the Wexford County Development Plan 2013-2019.

- 2) The Board is not satisfied that the proposed development, would not have a significant effect, either individually or in combination with other plans or projects, on the following European sites
 - 3) The Board is not satisfied that the proposed development would not endanger public safety by reason of a traffic hazard to users of the N25 national primary route by reason of glint and glare.
- **PL26.248210 (Reg Ref 2016 1449)** – Wexford County Council refused permission for temporary ground mounted solar photovoltaic farm on a 11 hectare site with all associated site works at Bannoge, Courtown, Co. Wexford for 1 no reason summarised as follows:
 - 1) The proposed development due to its scale, siting and elevated nature of the site fails to have regard to its setting in the landscape and, therefore, would have an adverse effect on the visual amenity of the area.

The decision was appeal by the first party, Renewable Energy Solutions Limited. The Board refused permission for the following reason as summarised:

- 1) Having regard to the topography of this open, exposed site and to its elevated nature, it is considered that the proposed solar farm would form a prominent and obtrusive feature in the landscape, which would be highly visible in views from roads to south and south-east and which would adversely impact on the rural character of the area.

4.2. Appeals in other Counties and also referenced throughout the appeal may be summarised as follows:

4.3. **PL14.246850 (Reg Ref 16/81)** - Longford County Council granted a 10-year permission for a solar farm with an export capacity of approximately 4.2MVA and all associated works at Lisnageeragh, c.1.5km north east of Edgeworthstown in Co Longford subject to 16 conditions. The decision was appealed by a third party. The Board granted permission on the 7th November 2016 subject to 16 conditions.

4.4. **PL04.247521 (Reg Ref 16/4204)** – Cork County Council granted permission for a solar farm development comprising 20,000 solar panels and associated development at Farrangalway, Knocknahilan, Mullendunny, Kinsale, Co. Cork a site c 3 km north of Kinsale subject to 20 conditions. The decision was appealed by several third parties and the first party (vs Condition no. 2). The Inspector recommended that

permission be refused due to 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. The Board granted permission subject to conditions on the 6th April 2017. In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the scale of the proposed development combined with the proposed layout and screening would not result in unacceptable injury to the amenities of the local environment or of property in the vicinity.

5.0 Policy Context

5.1. International Guidelines

- 5.1.1. There is a range of UK Guidance. The main guidance notes are **Planning Practice Guidance for Renewables and Low Carbon Energy (DCLG 2013)** and **Planning Guidance for the development of large scale ground mounted Solar PV systems (BRE 2013)**. Both refer to the desirability of preserving good agricultural lands and set out issues and mitigations. The BRE Guidance 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.

5.2. National Guidelines

5.2.1. National Planning Framework 2040

- A key element of Ireland 2040 is to support and strengthen more environmentally focused planning at local level. The Framework states that *the future planning and development of our communities at local level will be refocused to tackle Ireland's higher than average carbon-intensity per capita and enable a national transition to a competitive low carbon, climate resilient and environmentally sustainable economy by 2050, through harnessing our country's prodigious renewable energy potential.*

- **National Strategic Outcome 8** states that it is an objective to *deliver 40% of our electricity needs from renewable sources by 2020 with a strategic aim to increase renewable deployment in line with EU targets and national policy objectives out to 2030 and beyond. It is expected that this increase in renewable deployment will lead to a greater diversity of renewable technologies in the mix.*
- **National Policy Objective 55** seeks to *promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.*

5.2.2. 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. However, it does not supersede the NREAP (National Renewable Energy Action Plan), which set out Ireland’s approach to achieving its (legally binding) targets, with a target of 40% of electricity consumption to be from renewable sources by 2020.
- 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 a number of 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. Solar technology is one of the technologies being considered in the context of the new support scheme for renewable electricity generation which will be available in 2016’.*

- The White Paper also sought to publish a Renewable Electricity Policy and Development Framework (with a spatial dimension) to underpin the proper planning and development of larger scale renewable electricity generation development on land. It is envisaged that such a plan will give guidance to those seeking development consent and to planning authorities in relation to larger-scale onshore renewable electricity projects.

5.2.3. **National Climate Change Strategy 2007-2012**

5.2.4. Under the Kyoto Protocol and as part of its contribution to the overall EU target, Ireland agreed to a target limiting its greenhouse gas emissions to 13% above 1990 levels over the period 2008-2012. The National Climate Change Strategy 2007-2012 sets out a range of measures, building on those already in place under the first National Climate Change Strategy (2000), to ensure Ireland reaches its target under the Kyoto Protocol. The Strategy provides a framework for action to reduce Ireland's greenhouse gas emissions in the areas of energy, transport, housing, industry, agriculture and waste as well as cross-sectoral actions. Local authorities are key agents for change at the local level in achieving target reductions.

5.2.5. **Strategy for Renewable Energy: 2012-2020 - Department of Communications, Energy and Natural Resources (DCENR) (2012)**

- The Government's overriding energy policy objective is to ensure competitive, secure and sustainable energy for the economy and for society.
- The development of renewable energy is central to overall energy policy in Ireland. Renewable energy reduces dependence on fossil fuels, improves security of supply, and reduces greenhouse gas emissions creating environmental benefits while delivering green jobs to the economy, thus contributing to national competitiveness and the jobs and growth agenda.
- Climate change, energy security and competitiveness are inter-related challenges that will be addressed through the transforming of Ireland's economy from one based on a predominantly import based fossil fuel dependence to a more indigenous low carbon economy based around energy efficiency, renewable energy and smart networks.
- The Government's overarching strategic objective is to make renewable energy an increasingly significant component of Ireland's energy supply by 2020, so that

at a minimum we achieve our legally binding 2020 target in the most cost efficient manner for consumers.

5.2.6. **National Renewable Energy Action Plan (NREAP)**

5.2.7. The EU Renewables Directive 2009/28/EC promotes the use of energy from renewable sources and set the EU's 20% renewable energy target by 2020. Ireland was set a renewable energy target of 16% target by 2020. The National Renewable Energy Action Plan sets out the Government's strategic approach and concrete measures to deliver this target which includes:

- 40% of electricity consumption from renewable sources by 2020.
- 10% electric vehicles by 2020
- 12% of renewable heat by 2020

5.2.8. The Government is also looking beyond 2020 in terms of the significant opportunities to develop Ireland's abundant offshore renewable energy resources, including offshore wind, wave and tidal energy.

5.2.9. **Draft Methodology for Local Authority Renewable Energy Strategies (Sustainable Energy Authority of Ireland, 2011)**

5.2.10. There is a growing trend and need to prepare strategies for the co-ordinated development of renewable energy sources. These strategies will allow Local Authorities to maximise the renewable energy resource and potential of its area and assist in the transition to a low carbon economy. The Sustainable Energy Authority of Ireland (SEAI) has produced draft methodology guidelines for Local Authorities when preparing Renewable Energy Strategies.

5.3. **Regional Planning Guidelines**

5.4. **Regional Planning Guidelines for the South East Region 2010 – 2022**

- The South-East Regional Authority actively and strongly supports the sourcing and generation of energy from within the South-East. Energy from renewable sources is an essential part of this sustainable development strategy
- It is a Strategic Goal to support *the development and improvement of key economic infrastructure, such as energy generation and transmission networks,*

including renewable energies and telecommunications, all of which are essential for the continued development of the region (A9)

- *It is a Strategic Goal to develop the Green Economy in rural areas; actively promoting the exploitation of wind energy and other forms of renewable energy as valuable regional assets in appropriate locations (D5)*
- *It is an objective of the Regional Authority that local authorities, the private sector, energy production and supply companies are encouraged to formulate sustainable energy policies and practices which seek to inter alia maximise the use of renewable energy technologies and assist the development of indigenous sustainable energy enterprises (PPO 6.3)*

5.5. Development Plan

5.5.1. The operative plan for the area is the **Wexford County Development Plan 2013-2019**. The Plan seeks to protect, mitigate and adapt to the impacts of climate change by inter alia:

- Protecting people, vulnerable infrastructure and the environment from the impacts of climate change
- Raising awareness of the predicted impacts of climate change
- Providing objectives for the sustainable development of renewable energy sources

5.5.2. The Plan promotes the development of renewable energy and the integration of a sustainable settlement strategy and transportation strategy. This will allow for a reduction in the amount of fossil fuels used which is one of the main contributors to greenhouse gases in Ireland.

5.5.3. **Paragraph 5.3** states that *the Plan supports the development of sustainable renewable energy sources for its role in reducing fossil fuel dependency and greenhouse gas emissions and facilitating the transition to a low carbon economy. The Wexford County Development Board document Positioning Wexford for the Upturn-Towards Sustainable Growth and Development focuses on ‘Greening Wexford’. The starting point is the transition to a low carbon economy which is an attractor for inward investment and an enabler for indigenous industry. A low carbon*

economy is focused on clean, low carbon technologies and promotes the development of sustainable renewable energy sources

5.5.4. **Chapter 5 Climate Change** sets out the following objectives:

- **Objective CC04** - *To minimise greenhouse gas emissions in order to contribute to a reduction and avoidance of human induced climate change in accordance with the Kyoto agreement. The Council supports and is committed to the National Climate Change Strategy and in general to facilitating measures which seek to reduce emissions of greenhouse gases.*
- **Objective CC05** - *To prepare a Renewable Energy Strategy for County Wexford during the lifetime of the Plan, which will build on and support the Wind Energy Strategy 2013-2019, any Climate Change Strategy prepared for the county and the National Renewable Energy Action Plan (Department of Communications, Energy and Natural Resources, 2010).*
- **Objective CC09** - *To promote and encourage new developments to mitigate against, and adapt to, where possible the impacts of climate change through the location, layout and design of the development.*

5.5.5. **Paragraph 6.4.4 Renewable Energies, Energy Crops and Sustainable Construction** states that *Wexford is ideally positioned to capitalise on its assets in terms of hydro, solar, tidal and wind energy. It is further stated that the Council recognises that a range of opportunities exist in renewable energies and energy crop production for farmers, energy producers and businesses. The provision of renewable energy solutions will help attract business to County Wexford as it provides a cheaper, cleaner solution that reduces the carbon footprint and will assist the transition to a low-carbon economy.*

5.5.6. **Chapter 11 Energy** sets out the following objectives:

- **Objective EN01** - *To facilitate the achievement of a secure and efficient energy supply and storage for County Wexford.*
- **Objective EN02** - *To promote County Wexford as a low carbon county by 2019 as a means of attracting inward investment and to facilitate the development of energy sources which will achieve low carbon outputs.*

- **Objective EN04** - *To facilitate the provision of and improvements to energy networks in principle, provided that it can be demonstrated that:*
 - *The development is required in order to facilitate the provision or retention of significant economic or social infrastructure*
 - *The route proposed has been identified with due consideration for social, environmental and cultural impacts*
 - *The design is such that will achieve least environmental impact consistent with not incurring excessive cost*
 - *Where impacts are inevitable mitigation features have been included*
 - *Proposals for energy infrastructure should be assessed in accordance with the requirements of Article 6 of the Habitats Directive.*

- **Objective EN07**- *To encourage and favourably consider proposals for renewable energy developments and ancillary facilities in order to meet national, regional and county renewable energy targets and to facilitate a reduction in CO2 emissions and the promotion of a low carbon economy, subject to compliance with development management standards in Chapter 18 and compliance with Article 6 of the Habitats Directive.*

- **Objective EN08** - *To support and assist Wexford County Development Board in implementing the measures contained in Positioning Wexford for the Upturn: Towards Sustainable Growth and Development (Wexford County Development Board, 2010) in relation to developing a sustainable energy supply and promoting County Wexford as a ‘Green County.’*

- **Objective EN10** - *To prepare a Renewable Energy Strategy for County Wexford during the lifetime of the Plan which will build on and support the Wind Energy Strategy 2013-2019, any Climate Change Strategy prepared for the County and the National Renewable Energy Action Plan (Department of Communications, Energy and Natural Resources, 2010).*

5.5.7. **Paragraph 11.3** states that the Council will encourage the development of renewable energy resources and the maximisation of electricity production from renewable sources.

5.5.8. **Chapter 14 Heritage** characterises the appeal site as “**Lowland**”, an area, which is deemed to have a higher capacity to absorb developments. Paragraph 14.4.2 Landscape Character Assessment states *that the Lowland area generally comprises gently undulating lands and relates to extensive areas of the county. This landscape has characteristics which provide it with a higher capacity to absorb development without causing significant visual intrusion. The landscape is characterised by higher population levels and more intensive agriculture. It is punctuated by many of the county’s hills and ridges, the more sensitive of which have been defined as Landscapes of Greater Sensitivity.*

5.5.9. **Chapter 14 Heritage** sets out the following objectives:

- **Objective L04** - *To 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** - *To require developments to be sited, designed and landscaped in manner which has regard to the site specific characteristics of the natural and built landscape, for example, developments should be sited, designed and landscaped to minimise loss of natural features such as mature trees and hedging and built features.*

5.5.10. **Draft Wexford County Development Plan 2019-2025**

5.5.11. The draft plan was not available as of date of completion of this report. However the Chief Executive’s Report on the Pre-draft Consultations is available to view on the Council website. It is stated that the Council is committed to the development of a Renewable Energy Strategy, to include solar farms. Section 4 Chief Executive Recommended Policies states that there will be a specific policy in the Development Plan to *prepare a Renewable Energy Strategy that will include policies and objectives for all forms of renewable energy including solar and wind.*

5.6. **Natural Heritage Designations**

5.6.1. The site is not located within a designated Natura 2000 site. There are 8 no European sites within 15km of the appeal site: (1) Slaney River SAC, (2) Bannow Bay SAC, (3) Ballyteigue Burrow SAC, (4) Raven Point Nature Reserve SAC, (5)

Wexford Harbour & Slob SPA, (6) Bannow Bay SPA, (7) Ballyteigue Burrow SPA and (8) The Raven SPA.

6.0 The Appeal

6.1. Grounds of First Party Appeal

6.1.1. The detailed first party appeal has been prepared and submitted by HW Planning on behalf of the applicant and may be summarised as follows:

- **Principles of Natural Justice** - Submitted that the Council informed the applicant of their formal view that the site was suitable for the proposed solar farm. The Council reversed their view on an important point of first principle (perceived absence of strategic guidelines) which if considered a material issue should have been raised before an application was prepared. The Case Planners reference to An Bord Pleanála Inspectors report from a separate solar farm at Ballybrennan Little, Killinick does not constitute an evaluation of “all material considerations for and against a proposed development in an open and transparent manner”.
- **Inconsistencies** - The description of the development is factually correct and is presented in a manner which was previously accepted by Wexford County Council. There are no inconsistencies between the description and the site layout plan as suggested by the Council.
- **Scale** - The scale of the project is not excessive. It is comparable in scale to other solar farms permitted by Wexford County Council, including another proposal by the applicant at Mackmine, Bree. The subject proposal is approximately 26% of the size of the Highfield Solar application refused by An Bord Pleanála and the development context is materially different. The basis for refusing this scheme is therefore not directly transferable to the subject application.
- **National Guidelines** - The absence of bespoke national guidelines on the location scale and distribution of solar farms does not preclude the granting of planning permission for the subject solar farm. There is no legal basis to refuse the application on the grounds of prematurity pending the adoption of

such guidelines or the preparation of a renewable energy strategy for the area.

- **Loss of Agricultural Lands** – This is not a material planning consideration. There is no credible basis to the Council's assertion that the solar farm will have an adverse impact on agricultural practices in the area.
- **Visual Amenity** - A robust Landscape and Visual Impact assessment (LVIA) has been prepared for the subject application. It has been appropriately demonstrated that the proposal will not give rise to adverse impacts on the amenity of adjacent residential properties, having regard to adopted Council policies.

6.2. Planning Authority Response

- 6.2.1. There is no response from Wexford County Council recorded on the appeal file.

6.3. Observations

- 6.3.1. There is one observation recorded on the appeal file from Anne Marie & Elizabeth Kearns (photos included). The issues raised relate to inadequate public consultation, proximity of scheme to family home, impacts on privacy from CCTV, inaccurate site boundary, biodiversity, flooding, traffic impact, no proposed connection to national grid provided, abrupt transition in land use from industrial to residential, visual impact, necessity of security fencing proposed, proposal to maintain the existing boundary hedge at 3-4m would lead to loss of light to existing house, pre-mature pending preparation of renewable energy strategy for the area, loss of fertile agricultural land, cumulative assessment of energy generation in Wexford required.

6.4. Further Responses

- 6.4.1. The submission received from Anne Marie & Elizabeth Kearns was cross circulated to relevant parties in accordance with Section 131 of the Planning & Development Act 2000 (as amended). The following response was received from HW Planning on behalf of the applicant as summarised:

- **Community Consultation** – The applicant’s representatives have spent a lot of time in the local area meeting with neighbours and discussing the project. These efforts are not borne out of any statutory requirement to do so. With the exception of the observers the absence of any third party objections to the proposal is noted.
- **Residential Amenity** – There is no legal right to a view over private third party lands in Ireland nor does there exist any first policy measures which restrict the economic use of agricultural lands in a countryside setting on this basis.
- **Red Line Boundary** - The red line was derived from the legal land option agreement between the applicant and the registered landowner of the property. Copy of land registry attached.
- **Boundary Treatment** - Notwithstanding any argument with respect to ownership of the existing hedge, it is clearly within the gift of the applicant to insert this planting as illustrated and then maintain the newly inserted planting to a height and at a density as is required to achieve the required mitigation. The applicant is amenable to setting back the planting line of the proposed fence. The proposed reinforced hedgerow to prevent visibility of the 2.8m tall panels will not unduly enclose the objector’s property nor will it detract the rural setting enjoyed by the observer’s family.
- **CCTV** - The proposed CCTV is to monitor the valuable solar farm infrastructure itself. It will be orientated towards this infrastructure rather than any third party lands.
- **Visual Impact** – The assessment of visual impact is more exhaustive than the vast majority of solar LVIAs undertaken in Ireland to date. The subsequent preparation of a RAS reinforces the efforts made to assess impacts on individual properties. Visibility of a portion of a solar array is not tantamount to a significant visual impact. In most cases the LVIA predicted “slight” or “imperceptible” impacts.
- **Renewable Energy Strategy** – The commitment to preparing a Renewable Energy Strategy has existed prior to the formal adoption of the current Development Plan. The non-production of such a document is not a matter for the applicant and in no way precludes the making and determining of

applications for renewable energy projects having regard to statutory planning provision.

- **Strategic or Spatial Policy** - Since the subject application was originally lodged and determined, An Bord Pleanála's decision to refuse planning permission for a Highfield Solar PV development at Killinick under PL26.247217 has been quashed by Order of the High Court. Therefore there is no legal basis to refuse the application on the grounds of prematurity pending the adoption of such guidelines or the preparation of a renewable energy strategy for the area.
- **Cumulative Assessment** – Using the figures contained in the issues paper for the Review of the Wexford County Development Plan 2019-2023, the land take for permitted and undetermined solar farm applications was approximately 386ha. For context this represents 0.1% of the total area of Wexford which is extremely small relative to the benefits of the renewable energy. The overall land take needed to accommodate such projects is considerably small.
- **Pre Planning Consultation** – Clarified that it is proposed to use agricultural stock proof fencing as opposed to rigid wire mesh security compatible with the rural setting of the site.

6.4.2. The above response was cross circulated to Anne Marie & Elizabeth Kearns in accordance with Section 131 of the Planning & Development Act 2000 (as amended). The following response was received from Elizabeth Kearns as summarised:

- **Consultation** – The applicant has still not reached out to the observer.
- **Boundary** – The site boundary as drawn on the applicant's plans is not accurate. There is an artificial ditch on the western boundary of the observer's property, with the hedge on the observer's side of that ditch. The hedge is presumed to belong to the owner of the field of whose side there is no ditch. The mitigation plans would breach the property lines.
- **Residential Amenity** – It was entirely open to the applicant to set back the external boundary along the observers portion but they chose not to do so.

- **Visual Amenity** – Stock-proof fencing at a height of 2.8m is considered excessive in an area with no deer. Concern raised regarding CCTV on eleven feet tall metal poles, four of which will be immediately adjacent to the observers property.
- **Prematurity** – The emphasis of argument rests not on the development of a strategic policy but on the requirement for SEA / AA of any such policy or programme of development that fully addresses the location specific impacts for an area like Wexford.

7.0 **Assessment**

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and to my site inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Refusal Reason No 1 – Inconsistencies
- Refusal Reason No 2 – Strategic Policy
- Refusal Reason No 3 – Visual Impact
- Glint & Glare
- Site Access & Traffic Impact
- Archaeology an Heritage
- Ecology
- Appropriate Assessment
- Environmental Impact Assessment Screening
- Other Issues

8.0 **Principle / Policy Considerations**

8.1. This is an application for a 10 year permission for a solar farm consisting of circa 96,600 square metres of solar panels on ground mounted frames, 1 no. single storey substation, 6 no. single storey electrical inverter/ transformer stations, battery

storage module and associated equipment container, security fencing, satellite pole, CCTV, and all associated ancillary development. It is anticipated that the solar farm will have a maximum export capacity in the region of 12 megawatts. It is stated that the nearest ESB substation is Wexford 1110kv substation, located 4.5km east of the site at Ballygorman. This provides electricity to Wexford Town and environs which is the largest urban settlement in the county (pop approx. 20,000). It is expected that the proposed solar farm will connect to the national grid through this substation. It is stated that the applicants have applied to ESB Networks for formal access to the electricity grid via this substation. This planning does not include the grid connection.

- 8.2. The need to urgently and strenuously combat climate change is consistent with the identified need for additional renewable energy development and is supported by national and local policy objectives. The National Spatial Strategy, National Renewable Energy Action Plan (NREAP), Regional Planning Guidelines and the current Wexford County Development Plan are considered to be supportive of the development of renewable energy technology particularly in the context of reducing the carbon emission of the country and meeting renewable energy production targets. The national objective, contained in NREAP, of achieving 40% of electricity generation from renewable sources by 2020 forms part of the national strategy for meeting our legally binding targets in this respect. Thus the contribution of renewable energy projects, such as that proposed, to achieving the transition to a low carbon future is well established. Solar power is also acknowledged as being capable of being delivered relatively quickly and efficiently without the need for large scale transmission grid infrastructure.
- 8.3. The proposed development is therefore supported by national, regional and local policies in terms of renewable energy. Accordingly, I consider the proposal to be acceptable in principle and would contribute to the diversity of sources of energy supply and hence the security of supply. Having regard to the nature of the proposed development I consider it reasonable and appropriate to specify a period of permission in excess of 5 years namely 10 years. The acceptability of the proposal is contingent on other issues addressed below.

9.0 Refusal Reason No 1 – Inconsistencies

- 9.1. Wexford County Council in their first reason for refusal stated that there were inconsistencies between the description of the scheme and the proposed site layout, and that the extent of the proposed development was unclear. It is stated that the description of development provided by the applicant indicated that the proposal is for the installation of 96,600 square meters of solar panels, equating to 9.66 ha of solar panels. However it was noted from the submitted site layout that the proposed solar panels would occupy a significantly larger area from that indicated by the description of development.
- 9.2. The applicant submits that the stated area is factually correct and is an output from the outline design of the solar farm layout as presented as part of the planning application and associated PVsyst analysis. PVsyst is an industry recognised software package for the study, sizing, simulation and data analysis of PV systems. As pointed out by the applicant the figure relates to the panel area only and excludes the separation distances between rows of arrays and all other areas within the red line boundary.
- 9.3. The applicant also submits that while the delineated red line boundary is c29ha in area (Question No 11 of the Planning Application Form refers) the actual fenced area of the solar farm is 24.1ha. The difference in these figures is as a result of a substantial buffer to be retained to the Mulmontry stream to the north and the north-east and a 50m exclusion zone also incorporated to the west for reasons of ecology.
- 9.4. Within the fenced solar farm area, the cumulative area of the access track, corridors for overhead wires, support infrastructure including inverter / transformers and delivery station, field boundaries and offsets to hedgerows as well as the development of an inclusion zone to the south of the site equates to c7.3ha. The areas between the arrays themselves equal approximately c7.14ha leaving an approximate residual area of 9.66ha.
- 9.5. Overall I am satisfied that the public notices, which correspond with the development description and the information provided on the planning file, give a brief yet concise indication as to the nature and extent of the proposed development. The 96,600 square meters of solar panels relates to part of the development description as it

translates to the area of solar panels only. The remaining works which in themselves comprise a significant proportion of the site are accounted for in the rest of the development description. I am satisfied that there are no inconsistencies between the description of the scheme and the proposed site layout. This matter is not therefore material to the consideration of this appeal. It is recommended that refusal reason No 1 is set aside.

10.0 Refusal Reason No 2 – Strategic Policy

- 10.1. Wexford County Council in their second reason for refusal stated that in the absence of any strategic or spatial policy guidance to direct such development to the most appropriate locations, the development would undermine the agricultural sector and would result in piecemeal and premature development pending the adoption of a Renewable Energy Strategy for the area.
- 10.2. The wording of this reason is similar to the An Bord Pleanála decision to refuse a 10 year permission for a solar PV development on a site of 89.46 hectares at Ballyminaun Big, Grahormick, Hilltown, Jonastown, Newhouse, Garryhask, Gibboghstown, Crosstown, Killinick and Tomhaggard a site 3km south of Killinick, Co Wexford (ABP-301321-18 (PL26.247217) (Reg Ref 20160690) refers). In this case the Board refused permission in February 2017 *as 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.*
- 10.3. However the Boards Decision was subsequently quashed by Order of the High Court and the case was remitted to the Board. The Board subsequently granted permission on the 11th January 2019 subject to 11 Conditions. It is therefore accepted that the absence of national guidelines does not preclude the assessment and granting of planning permission for such proposals. While such guidelines would assist in the assessment of such schemes it remains that there is no statutory requirement to refuse permission where no national guidelines exist. This appeal is therefore assessed against the relevant national, regional and local policy which are supportive of development of renewable energy and where it is clear that the proposal for a solar PV energy farm is supported by European, national and local planning policy.

- 10.4. The Wexford County Development Plan 2013-2019, has no strategy or guidance in relation to larger solar panel developments but does have objectives that support solar energy development as well as having an overriding strategy to encourage the provision of renewable energy sources. I note that it is an objective of the Development Plan (EN10) to prepare a Renewable Energy Strategy for County Wexford during the lifetime of the plan however no such strategy is currently in place.
- 10.5. Wexford County Council have full discretion to produce and adopt policy documents in response to targeted planning issues in the county. The commitment to preparing a Renewable Energy Strategy has existed since the formal adoption of the current Wexford County Development Plan in February 2013. Notwithstanding the commitment made to prepare such a strategy under Objective EN10 during the “lifetime of the current plan” a considerable amount of time has passed in the intervening and no such strategy has been advanced. I agree with the applicant that the non-production of such a document is not a matter for the applicant and in no way precludes the making and determining of applications for renewable energy projects.
- 10.6. Implicit in the second reason for refusal is that the *development would undermine the agricultural sector*. Again this is similar to the Boards refusal reason in February 2017 in relation to ABP-301321-18 ((PL26.247217) (Reg Ref 20160690) refers) above where reference was made to the potential impacts on agricultural land use patterns.
- 10.7. The site is located within an area which is predominantly in use as operational farms engaged in productive agriculture, in the midst of a landscape that is characterised by high quality agriculture. The topography is generally flat to gently undulating and the fields are of a reasonable size and well drained. The site is currently in productive agricultural use. As outlined in the Planning & Environmental Statement submitted with the application a sizeable proportion of the site is not presently used for food production. Approximately 11 ha comprises miscanthus and laurel crops for the floral industry. It is stated that these lands do not contribute to the generation of food. However there is no obvious impediment to them being used for food production in the future. It is submitted that the lands to the east are used for the grazing of sheep, a practise which it is proposed to maintain as part of the

operational life of the solar farm. In this case it is submitted that the proposal will result in arable practises ceasing in one portion of the site only.

- 10.8. There is no formal land classification system for planning purposes in Ireland. While there is large ratio of land take to energy output the proposal would allow for continued agricultural use with 95% of the lands still accessible for vegetation growth during the operational phase. The land around the and underneath the panels would continue in agricultural use, for grazing of sheep establish a dual use that would represent an efficient use of agricultural land.
- 10.9. Having regard to the foregoing I agree with the applicant that there is no reasonable planning basis to refuse this application on the grounds of loss of agricultural lands or of prematurity pending the adoption of such guidelines or the preparation of a renewable energy strategy for the area. It is therefore recommended that refusal reason no 2 is set aside.

11.0 Refusal Reason No 3 – Visual Impact

- 11.1. Wexford County Council in their third reason for refusal stated that a number of important visual receptors have not been assessed as part of the Landscape and Visual Impact Assessment and in particular that a number of dwellings within the immediate area of the site or directly facing the site have not been included as part of the visual impact assessment, despite having been identified as relevant receptors as part of the glint and glare assessment. Chapter 14 Heritage of the Wexford Development Plan characterises the appeal site as “Lowland”, an area, which is deemed to have a *higher capacity to absorb developments*.
- 11.2. The potential for a solar farm development to alter the character of the landscape is a material consideration. Landscape and Visual Impacts were considered at application stage: the Landscape and Visual Impact Assessment (LVIA) prepared by Macroworks refers. The assessment methodology examined the effects of the development of the general visual amenity experienced by people through the selection and assessment of representative viewpoints rather than dealing with every individual dwelling. The LVIA concluded that the proposed solar farm will have only a minor physical impact on the application site, as it is consolidated within the existing hedgerow network and will not require significant excavation works to

construct the solar panels or access and maintenance tracks. Overall the proposed solar farm is not considered to give rise to any significant residual impacts. Instead it is well screened or otherwise well assimilated within the prevailing landscape pattern.

- 11.3. In their appeal the applicant included a supplementary Residential Amenity Study (RAS) together with additional photomontages. The RAS was undertaken in respect of each dwelling within 500m of the site, expanding the original boundary survey further north to include Houses 28 to 31. It is stated that this 500m is the zone within which the day to day enjoyment of a residential property could be affected. The RAS was done remotely (as opposed to visiting each dwelling) incorporating best practise measures including use of Digital Surface Model data and integrating proposed screen planting measures.
- 11.4. Of the 22 dwellings within the 500m radius of the RAS study area, only 11 are shown to have any potential views of the proposed solar array following the establishment of mitigation planting. Of the 11 dwellings that have potential views of the proposed solar array, it is submitted that only 1 has visibility from ground floor (H03 refers). The houses adjoining the south east corner of the appeal site were identified as houses H13 and H14. Based on the findings of the RAS, views of the proposed solar panel array from nearby dwellings will be very limited. It is submitted that such views are heavily veiled by intervening vegetation and any afforded views will be through or above intervening vegetation and treetops. Further, the results in the RAS are comparable or in most instances, lower than judgements predicted in the LVIA. Thus confirming the findings of the LVIA that there will not be any significant adverse visual impact on the local community arising from this scheme.
- 11.5. Mitigation and Restoration measures are set out in the LVIA. I also refer to Landscape Mitigation Plan LD.GRTWN.03. The degree of vegetative screening in the immediate vicinity of the site is relatively high but as part of the mitigation proposal it is proposed to bolster existing perimeter hedgerows. The perimeter fence will be constructed of stock proof fencing and will be 2.8m in height. The fencing will incorporate mammal friendly access, with a minimum 200mm gap retained at the bottom between the fence and ground. A total of 124 linear metres of hedgerow will be removed throughout the site. This includes in excess of 100m along the R738 on either side of the proposed entrance and 14m internally to facilitate access tracks.

While the removal of 100m of hedgerow is considered extensive I am satisfied that the impact will be temporary in nature and will *be offset by 350 linear metres of new hedgerow planting as well as the bolstering of an additional 3,442 m, where necessary to fill any gaps in existing hedgerows.* A combination of advanced nursery stock (trees) and whips will be used.

- 11.6. Interim netting will be used along the southern boundary with the R738 and to the fore of the south eastern array of panel where a slight rise in terrain would otherwise allow a narrow view of some panel tops. The full establishment of the planting mainly relates to densification as the ultimate height of screening will be maintained at around 4 m. The consolidated hedgerow will gradually take over the screening function of the interim netting. The pace of establishment in this instance is also aided by the proposed use of horticultural wind-stop netting, which has a dual function of screening the solar array until the planting is established. It is considered that full screening of the array will be achieved within 3-4 growing seasons (3 years), the first of which, it is stated, will be before the solar farm is constructed. It is stated that a no time will there be open views of the panel array.
- 11.7. Having reviewed the submissions and inspected the site and surrounding areas I would generally agree that this is a robust and well-contained rural area. The proposed PV panels will not rise more than 2.8m above the underlying base terrain. Hedgerows will be managed at a minimum height of 3 – 4 m. This is a balance between screening effectiveness and avoiding loss of energy yield from the perimeter solar panels due to shading. The site is screened significantly by landform from a number of vantage points, with a limited number of direct inward views currently available from the R738 to the south and across agricultural fields from the west / north west. I am satisfied that all relevant visual receptors and dwellings within the immediate area of the site or directly facing the site have been assessed as part of both the LVIA and the RAS and that a comprehensive landscape and visual impact assessment has been carried out by the applicant.
- 11.8. Overall I agree that the visual and landscape impacts are unlikely to arise subject to mitigation measures proposed which include retention, enhancement and reinforcement of a number of existing hedges and replacement of hedges where they have been removed to facilitate the development. I also agree with the applicant that the proposed reinforced hedgerow to prevent visibility of the 2.8m tall

panels will not unduly enclose the objector's property nor will it detract the rural setting enjoyed by the observer's family. It is therefore recommended that refusal reason no 3 is set aside.

12.0 Glint & Glare

- 12.1. The photovoltaic panels are orientated in a southwards direction to maximise solar gain and will remain in a fixed position throughout the date and throughout the year i.e. they will not rotate to track the movement of the sun. The panels will maintain a maximum height above the base terrain of 2.8m and will be tilted southwards. A tilt of 20 degrees was used for the Glint & Glare Assessment (G&GA) calculations.
- 12.2. There are no regulations or guidance as to acceptable levels of glint and glare effects at receptors in Ireland. As pointed out by the applicant a Glint & Glare Assessment (G&GA) is fundamentally different to a Landscape & Visual Impact Assessment. Whilst the LVIA uses the same house numbering systems as the G&GA, that is the extent to which both assessments overlap. The G&GA uses computer based analysis to identify potentially affected receptors and then quantifies minutes per day of reflectance over the course of a year. The LVIA identifies and assesses landscape and visual effects based on representative viewpoints. Notwithstanding the variant methodologies, both the G&GA and the LVIA conclude that the relative impacts on local residences will be low grade or negligible.
- 12.3. The completed assessment identified that while glint and glare is theoretically possible at 27 of dwellings in the vicinity, only 1 of these has the potential to be affected by reflectance due to existing screening that occurs between the receptors and the proposed site. However it is considered that any potential impacts from reflectance would be minimal given the oblique angle, time of day and short intermittent duration. The G&GA assigns a "very low / none" magnitude of effect to this dwelling. It is not considered that there will be any significant nuisance effects generated from glint and glare on the surrounding dwellings as a result of the proposed solar farm.
- 12.4. The analysis identifies that glint and glare is theoretically possible along an unnamed local road to the west of the site and along the R738 Regional Road to the south. The unnamed road to the west of the site has theoretical potential to experience

reflectance emanating from panels located across the entire site. However due to intervening vegetation within the site, around the perimeter of the site and in the intervening landscapes, as well as screening provided by dwellings located on the eastern side of this unnamed local road, reflectance is unlikely to occur. Levels of screening vary along different sections of the R738 with varying potential for intermittent theoretical reflectance at different times of the year. As part of the landscape mitigation strategy the hedgerow vegetation along the northern side of the R738 will be bolster and all hedgerows will be maintained to a minimum height of 3-4m. The mitigation planting, once established together with the interim netting will provide screening for all potential reflectance emanating from the site.

- 12.5. The Irish Aviation Authority has indicated that all applications for PV solar arrays within a distance of 10km of an airport or aerodrome are to be referred to it for review. The subject site is located 36km from Waterford Airport and will not result in any adverse impact on commercial aviation operations. Two local airstrips are located 4.37km and 6.16km from the site which cater for light recreational craft. It is submitted that due to (a) the distance from the proposal, (b) the orientation of the take-off and approach paths relative to the site and (c) the relatively short take-off and approach paths of the type of aircraft facilitated by these airstrips, it is not likely that there will be any perceived nuisance from any reflectance episodes that may occur during the year.
- 12.6. From the analysis and discussions contained in the G&GA it is not considered that there will be any significant nuisance effects from glint and glare at dwellings surrounding this proposed solar farm. Furthermore, it is not considered that there will be any significant nuisance or hazard effects generated from glint and glare along surrounding roads or aviation receptors as a result of the proposed solar farm. I agree with the applicant's conclusions that the proposed development is unlikely to result in glint and glare which would adversely affect residential amenities of road users which would give rise to a traffic hazard.

13.0 Site Access & Traffic Impact

- 13.1. I refer to the Outline Construction & Environmental Management Plan submitted with the application. Construction and operational access to the site will be via the

existing central field entrance from the R738, which will be reconfigured as part of the development. It is proposed to utilise the existing central field entrance to the south at the public road for site access where favourable sightlines are achievable on what is a straight stretch of road. At present the length of achievable sightlines is curtailed somewhat by the existing hedgerows east and west of the entrance. It is proposed to remove targeted sections, including the western pier, and reinstate new planting which is tapered back slightly towards the entrance from both direction to improve operational visibility.

- 13.2. A full autotrack analysis has been undertaken which confirms that the site can be suitably accessed from the local road with a large articulated truck during the construction phase and where 120m clear sightlines with a setback distance of 2.4m have been demonstrated. On completion of the construction phase, the entrance will be narrowed to 5m.
- 13.3. The report also states that a decommissioning plan, which will be submitted to Wexford County Council, will outline the required steps to remove the system, dispose of or recycle its components and restore the land to its original state.
- 13.4. Having regard to the foregoing I am satisfied that the negative impact on traffic and amenity as a result of the construction and decommissioning phase of this scheme would be temporary in nature and matters of particular concern such as construction traffic management and decommissioning can be dealt with by condition.

14.0 Archaeology and Heritage

- 14.1. The planning application was supported by an Archaeological, Architectural and Cultural Impact Assessment. The findings identified 29 sites of archaeological and / or cultural heritage significance within the study area (1km radius of the development site / indicative grid connection route). None of the RMPs or the NIAH sites are located within the proposed panel development area. In relation to undesignated features of interest, there are 3 townland boundaries (CH020-CH023) bounding the proposed panel development area, with two unregistered structures (CH028-CH029) located on the perimeter of the site. Only one of the townland boundaries and a pier possibly related to unregistered post-medieval site (CH029) will be directly impacted by the proposed development. Alongside this, a damp pasture area in fields 2, 3 and

4 was also deemed to have some potential for sub-surface archaeology. It is submitted that works will be undertaken by a suitably qualified archaeologist, under license to negate any potential for impacts on archaeological or cultural heritage assets during the construction phase.

- 14.2. Overall I am satisfied that subject to a suitably worded condition whereby the applicant is required to employ a suitably qualified archaeologist in advance of development and that any material found is notified to the Department and that recording of any such material found shall be facilitated there is no objection to the proposed scheme.

15.0 Ecology

- 15.1. The application was accompanied by an Ecological Impact Assessment which provided an overview of ecology within the proposed development site and grid connection study area, as well as identifying, quantifying and evaluation the potential effects from the construction and operation of the development on habitats, species and ecosystems in the surrounding area.
- 15.2. Following an initial local negative impact, due to hedgerow removal, in time the proposed development will result in a positive impact at a site level (i.e. at the local level). The proposed enhancement to the currently much reduced riparian zone will increase the biodiversity value of the site. This will increase the ecological value of the river corridor for wildlife by providing increased shelter along the river bank and by re-enacting an effective ecological corridor for wildlife to commute through the wider landscape. Similarly the planting of new hedgerows and the reinforcement of existing hedgerows will increase the connectivity of wildlife corridors and green infrastructure of the surrounding area and enhance the linkages between woodland to the east and west of the site. In addition significant planted buffers (20m-70m wide) have been incorporated into the proposed site layout further increasing the biodiversity net gain of the area as result. The current use of the proposed development lands is for agricultural production and are subjected to artificial inputs as well as the application of both herbicides and pesticides. Such activities will be significantly reduced during the lifetime of the proposed development.

- 15.3. It is noted that evidence of the presence of one protected terrestrial mammal species (Badger) was found along the boundary of the appeal site. This matter is addressed in the submitted Ecological Impact Assessment Report and on the advice of Wexford County Council, said locations are included in a confidential appendix to the Ecological Impact Assessment. I have considered this report and note that the configuration of the solar farm layout has taken account of the presence of Badger setts and that a pre-construction survey will be undertaken by an ecologist. It is stated that the design of the solar farm incorporates best practise setback distances and other measures to mitigate potential impacts in this regard as a part of a precautionary approach. It is considered that should the Board be minded to grant permission, an appropriately worded condition(s) should be attached to any grant of permission to ensure that protected species are not disturbed.
- 15.4. No significant impacts on designated sites, habitats, flora or fauna have been identified as a result of the proposed development. Project design proposals will deliver a number of net benefits to ecology on site including the establishment of a riparian enhancement area to the north as well as focused biodiversity corridors across other parts of the site. There is not therefore likely to be negative residual impacts to the ecology as a result of the proposed development. As a result of the design and management methods put forward for the proposed solar farm there will be significant ecological gains to the receiving gains to the receiving environment.

16.0 **Appropriate Assessment**

- 16.1. In addition to the Ecological Impact Assessment the application was accompanied by a Stage 1 Appropriate Assessment Screening Report. The Screening Report also considered the grid connection as part of the ecological assessment. I have noted the contents of these documents. Given the nature of the proposed development being confined within existing agricultural land and bordering the Mulmontry River the potential zone of influence of the proposed solar farm will be limited.
- 16.2. The site is not located within or directly adjacent to any designated Natura 2000 site. However there are 8 no Natura sites within a 15km radius of the proposed Solar Farm; 4 Special Areas of Conservation and 4 Special Protection Areas as follows:

Site Name	Site code	Distance form Site
Slaney River Valley SAC	000781	4.8km NE
Bannow Bay SAC	000697	8.7km SW
Ballyteigue Burrow SAC	000696	12.5km S
Raven Point Nature Reserve SAC	000710	14.6km E
Wexford Harbour & Slobs SPA	004076	4.2km NE
Bannow Bay SPA	004033	12.5km SW
Ballyteigue Burrow SPA	004020	12.5km
The Raven SPA	004019	14.6km E

- 16.3. The site specific conservation objectives aims to define favourable conservation condition for a particular habitat or species at that site. The detailed conservation objectives are available from the NPWS.
- 16.4. The Stage 1 report sets out a description of the proposed development, identifies the Natura 2000 sites within 15km of the development, identifies the potential direct and indirect impacts on Natural sites and examines cumulative impacts. Potential links with the site via surface water pathways are identified whereby Bannow Bay SAC and Bannow Bay SPA are considered to be within the potential zone of influence of the proposed development due to hydrological connectivity through surface water pathways via the Mulmontry River which borders the appeal site. While there is no direct impact on Wexford Harbour and Slobs SPA, the birds for which it is designated can move within the wider landscape. Bannow Bay SAC and SPA and Wexford Harbour and Slobs SPA were examined further for likely significant effects as a result of construction and operation of the proposed solar farm.
- 16.5. Most of the threats identified by the NPWS relate to damaging or altering sediments, aquaculture, change in land use, pollution or loss of suitable habitat to support the features of interest of Natura 2000 sites. There are no likely direct effect from the construction and operation of the proposed scheme as the construction and operation of the proposed solar farm will be at a sufficient distance from the closest Natura 2000 site such that direct impacts such as habitat loss or changes in land use will not occur.

- 16.6. There is no hydrological connectivity between works within the proposed solar farm and the River Slaney and hence with Wexford Harbour and Slobbs SPA. There exists an indirect hydrological connection between the proposed development site and Bannow Bay SAC / SPA along surface water pathways i.e. via the Mulmontry Rover. There is therefore potential for indirect impacts on these Natura 2000 sites as hydrological linkages have the potential to carry pollution and / or silt downstream of developments during the construction phase. However, it should be noted that this connection is over a very large distance; Bannow Bay SAC is 13.5km downstream, while Bannow Bay SPA is 21km downstream of the proposed solar farm. It is stated that strict measures are to be put in place to prevent pollution at source. Furthermore the erection of solar panels will not require excavation works; this greatly reduces the scale of soil tipping compared to a traditional building site and therefore significantly reduces the risk of generating large volumes of silt laden waters.
- 16.7. Having regard to the nature and scale of the proposed development comprising a 10 year permission for a 96,600 sqm Solar Farm, the minor scale of construction earthworks and implementation of best practise guidelines and environmental controls as part of the project design and construction and its distance to the nearest European Site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site. An appropriate assessment (and submission of a NIS) is not therefore required.

17.0 Environmental Impact Assessment Screening

- 17.1. Under the Planning and Development Regulations 2001 (as amended), current government and EU guidance, the Planning Authority must screen the proposed development for Environmental Impact Assessment (EIA) and decide if the planning application for the proposed development does or does not require the preparation of an Environmental Impact Assessment Report (EIAR).
- 17.2. The current requirements for EIA are outlined in Part X of the Planning and Development Act, 2000, as amended and Part 10 of the Planning and Development Regulation 2001, as amended. The prescribed classes of development and

thresholds that trigger a mandatory EIS are set out in Schedule 5 of the Planning and Development Regulations 2001, as amended.

- 17.3. The proposed development does not fall into a class of development contained in Schedule 5, Parts 1 or 2 and therefore the requirements for an EIA can be screened out. Class 15 of the Schedule 5 states that EIA can be required in the case of subthreshold development that would be likely to have significant effects on the environment having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended).
- 17.4. In considering the criteria for determining whether a development would or would not be likely to have significant effects on the environment, I consider that having regard to the characteristics of the proposed development and the location of the development and the characteristics of potential impacts there is no real likelihood of significant effects on the environment arising from the proposed development. Accordingly I am satisfied that the proposed development would not be likely to have significant effects on the environment such that an Environmental Impact Assessment is required.

18.0 Other Issues

- 18.1. **Process & Assessment** - The applicant raises detailed concerns that the processing of the application was not in accordance with the principles of natural justice and fair procedures as defined in Section 1.5.2 of the Development Management Guidelines for Planning Authorities (2007) in relation to procedural fairness, providing reasons for the decision and consistency. Reference is also made to Section 34(10) of the Planning and Development Act (as amended) that requires that a decision (and notification of the decision) shall state the main reasons and considerations on which the decision was based.
- 18.2. Firstly I refer the applicant to the Direction and Order issued by the Board in this case, both of which will be available to view on the An Bord Pleanála website. These should be read together with the assessment and recommendation of the Inspector as set out below. Secondly, while I note the applicants concerns regarding the local authority's assessment of the scheme and their reference to a similar scheme that was decided by the Board I would point out for the purpose of clarity

that the development now before the Board has been considered “de novo”. That is to say that the Board considers the proposal having regard to the same planning matters to which a planning authority is required to have regard when making a decision on a planning application in the first instance and this includes consideration of all submissions and inter departmental reports on file together with the relevant development plan and statutory guidelines, any revised details accompanying appeal submissions and any relevant planning history relating to the application.

- 18.3. **Pre Application Consultation** - I note the applicants concerns and general frustration with regard to the Councils initial advice that the principle of the scheme was acceptable only to later refuse the development on a matter of first principles. In this regard I refer to the Minutes of Pre Planning meeting dated 22nd November 2017 and available to view on the file, where it states that *the principle of a solar PV development is acceptable on these lands in Growtown Upper and Growtown Lower under the Wexford County Development Plan 2013-2019*. The applicant submits that the “principle” of the scheme is a material issue that should have been raised before the application was prepared.
- 18.4. Section 247 of the Planning Act (as amended) provides that an applicant who has an interest in land may request a pre-application consultation regarding a proposed development. It is accepted that such advice should be given without prejudice to any future decision and that ultimately it would be a matter for the applicant on whether they wanted to pursue the application thereafter. While the carrying out of consultations cannot, prejudice the performance by a planning authority I agree that in this instance it would not have been unreasonable for the applicant to be advised if there were concerns with regard to the principle of the scheme in the first instance. However as stated pre-application advice is just that; advise. While it can be frustrating when a scheme is refused on first principles it remains that such advice is given without prejudice to any future decision.
- 18.5. **Legal Interest** – I note the observers concerns with regard to the site boundary. In this regard I would draw attention to Section 34(13) of the Planning Act that states, that a person is not entitled solely by reason of a permission to carry out any development. Therefore, should planning permission be granted for the retention of the entrance as constructed and should the appellant or any other party consider that the planning permission granted by the Board cannot be implemented because

of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant.

- 18.6. **Decommissioning & Site Reinstatement** – The proposed solar farm is considered to be temporary in nature, with an operational lifetime of 30 years. Compared to other power generation technologies, solar farms can be easily and economically decommissioned and removed from the site allowing for its full reinstatement to its original condition for reuse as wither pasture or arable land. Deconstruction of the site is estimated to take between 2 to 4 months.
- 18.7. It is submitted that the decommissioning is balanced by the resale value of materials, which is typically estimated at three times the total disassembly costs and that this removes the need to apply a reinstatement bond. No details pertaining to recycling values and cost of disassembly are provided. It is proposed to include associated costings and related sureties for agreement with the competent authority as part of the detailed restoration plan in lieu of any restoration bond requirement which is considered unnecessary.
- 18.8. Having regard to the foregoing I consider it appropriate if a bond was fixed prior to any grant to ensure the cost of decommissioning is not borne by the Council. I recommended that should the Board be minded to grant permission that the requirement for a financial bond is attached by way of a suitably worded condition to secure the decommissioning of the solar farm.
- 18.9. **Flooding & Drainage** – A report examining the existing hydrological / hydrogeological environment and the potential impacts of the proposed development on that receiving environment has been prepared by DOSA Consulting Engineers; Drainage Assessment & Strategy Report refers. Surface water is to be disposed through the existing original field drainage and infiltration system. It is also proposed to create a soakaway towards the southern boundary to prevent water running onto the public road. Subject to appropriate design specifications, the installation of solar PV arrays will not give rise to increased surface water runoff in an agricultural setting.
- 18.10. There are no recorded flood events on the site. It is stated that the higher level preliminary assessment mapping from the OPW confirms that the site would seem to suggest that a relatively small area along the northern boundary is subject to

possible fluvial flooding (1% AEP). It is submitted that on further analysis, the area identified is excessive in its coverage. Despite this there are no solar panel located on this area of the site that has been identified as at risk of flooding on the PFRA mapping. It is not anticipated that the development will adversely affect the existing or proposed drainage regime and will not be affected from any flooding issues.

18.11. **CCTV** - The appellants raise concern that CCTV and site security arrangements could be intrusive to the privacy of local residents. I share these concerns and recommend that should the Board be minded to grant permission that a condition be attached requiring that no artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission and that CCTV cameras are fixed and angled to face into the site and shall not be directed towards adjoining property or the road in order to protect residential amenity.

18.12. **Development Contribution** - Wexford County Council has adopted a Development Contribution scheme; Wexford County Council Planning Authority Area Development Contribution Scheme 2018, under Section 48 of the Planning and Development Act 2000 (as amended). I have considered the sections entitled “Exemptions” and “Incentives (Discounting / Credit)”. The proposed development does not fall under the exemptions / incentives listed in this scheme. Accordingly, it is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

19.0 **Conclusion**

19.1. Having regard to the provisions of national and regional policy objectives in relation to renewable energy, the provisions of the Wexford County Development Plan 2013 – 2019, the nature and scale of the proposed development, the pattern of development in the vicinity, and the planning history of the area, including other permitted solar arrays, it is considered that, subject to compliance with the conditions set out below, the scale of development would support national and regional renewable energy policy objectives, would not conflict with the provisions of the Development Plan, would not seriously injure the residential amenities of property in the vicinity, would not have unacceptable impacts on the visual amenities of the

area, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

20.0 Recommendation

20.1. Having considered the contents of the application (as amended), the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the reasons and considerations set out below.

21.0 Reasons and Considerations

21.1. Having regard to:

- the nature, scale and extent of the proposed development,
- the decisions made in respect of an appropriate assessment,
- national and local policy support for developing renewable energy, in particular the:-
 - Government's Strategy for Renewable Energy, 2012-2020,
 - National Planning Framework, 2018, and,
 - Objective EN07 of the Wexford County Development Plan, 2013-2019,
- the location of the proposed development within moderate grade agriculture land and within a Lowlands Landscape Character Unit as set out in the Development Plan,

The Board considered that the proposed development, subject to compliance with the conditions set out below, would:

- not have an unacceptable impact on the character of the landscape or on the cultural or archaeological heritage,
- not seriously injure the visual and residential amenities of the area,
- be acceptable in terms of public health, traffic safety and convenience,
- not have an unacceptable impact on the ecology,
- make a positive contribution to Ireland's requirements for renewable energy,

- be in accordance with:-
 - Government's Strategy for Renewable Energy, 2012-2020,
 - the National Planning Framework, 2018 and
 - Objective EN07 of the Wexford County Development Plan, 2013-2019.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

22.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 8th January 2018, and by the further plans and particulars received by An Bord Pleanála, 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.
 - a) The permission shall be for a period of 25 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.
 - b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors,

inverter/transformer stations, substation, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

- c) 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/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

Reason: To enable the planning authority to review the operation of the solar farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development

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. 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.

6. a) Existing field boundaries shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the plans submitted to the planning authority with the application and by plans submitted to An Bord Pleanála
- b) All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, 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.

Reason: In the interests of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

7. a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- c) Cables within the site shall be located underground.
- d) The inverter/transformer stations shall be dark green in colour. The external walls of the proposed substation shall be finished in a neutral colour such as light grey or off-white and the roof shall be of black slate or tiles.

Reason: In the interests of clarity, and of visual and residential amenity.

8. Before construction commences on site, details of the structures of the security fence showing provision for the movement of mammals at regular intervals along the perimeter of the site shall be submitted for prior approval to the Planning Authority. This shall be facilitated through the provision of mammal access gates designed generally in accordance with standard guidelines for provision of mammal access (NRA 2008).

Reason: To allow wildlife to continue to have access across the site, in the interest of biodiversity protection

9. 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 (including archaeological testing) 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.

10. 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:
 - a) details of site security fencing and hoardings
 - b) 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,
 - c) measures to obviate queuing of construction traffic on the adjoining road network,
 - d) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
 - e) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,

- f) 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,
- g) details of on-site re-fuelling arrangements, including use of drip trays,
- h) details of how it is proposed to manage excavated soil,
- i) 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.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on 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, 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.

Mary Crowley

Senior Planning Inspector

25th February 2019