



An
Bord
Pleanála

Inspector's Report ABP-301329-18

Development

The development will consist of a 10 year permission for the construction of a Solar PV Energy development within a total site area of up to 24 hA, to include one single storey electrical substation building, electrical transformer / inverter station modules, battery storage modules, solar PV panels ground mounted on steel support structures, access roads, fencing and associated electrical cabling, ducting and ancillary infrastructure.

Location

Tomsallagh, Tinnacross, Co. Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20180055

Applicant(s)

WXD Energy Ltd.

Type of Application

Permission

Planning Authority Decision

Refusal

Type of Appeal	First Party v. Decision
Appellant(s)	WXD Energy Ltd.
Observer(s)	None.
Date of Site Inspection	27 th September, 2018
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the rural townland of Tomsallagh, Co. Wexford, approximately 7.5km northeast of Enniscorthy and c. 4km south of Ferns, where it occupies a position to the north-northwest of Tinnacross Crossroads and the route of the new M11 (Gorey to Enniscorthy) motorway scheme which is currently under construction. The surrounding area is primarily agricultural and is characterised by an undulating rural landscape interspersed with individual farmsteads and one-off rural housing with several such properties located along the roadways to the immediate north and east of the site.
- 1.2. The site itself has a stated site area of 24 No. hectares, is irregularly shaped and presently comprises a series of agricultural fields (which form part of a larger landholding), the majority of which are set with coniferous tree plantations for the production of Christmas trees. Both the site and the wider landholding are bounded in part by minor local roadways to the north and east whilst the remaining boundaries adjoin agricultural lands, save for the south-eastern extent of the landholding which abuts the Tinnacross Stream. Access to the site is obtained via an existing splayed entrance arrangement onto the roadway to the immediate east which serves an adjacent farmyard and associated outbuildings, although it is also proposed to open a second temporary access further south along the roadway. The site topography is generally characterised by a gradual fall south / south-eastwards towards the Tinnacross Stream which forms a small valley with the lands either side of same rising to the northwest and southeast.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a solar PV energy development (the Maximum Export Capacity is expected to be between 8MW and 10MW) within a total site area of up to 24 No. hectares and includes for the following:
 - Ground-mounted solar photovoltaic panels set within galvanised metal framework racks elevated above the ground surface and assembled in south-facing rows (arrays) east to west over the development area. The panels will be fixed at an angle of 22-30° to the horizontal whilst the lower edge of the array will be a minimum of 0.7m in height over ground with the highest edge

to be 3.2m. The panels will be situated in an elevated position to allow air flow around the modules which will also encourage vegetation to grow beneath them.

The metal support structures will utilise piles driven into the ground thereby removing the need for deeper foundations.

A 20mm gap surrounding all sides of each panel will allow rainwater to drain between the modules.

- 1 No. single storey electrical (20kV) substation building.
- Assorted electrical infrastructure including 10 No. electrical transformer / inverter station modules and a series of battery storage modules.
- A spare parts container.
- 2 No. temporary construction compounds.
- Access roads, fencing, CCTV, and associated electrical cabling, ducting, and ancillary infrastructure.

2.2. The proposal has sought a 10-year permission.

N.B. The application documentation also refers to an indicative routing for a grid connection between the proposed development and the Crane substation to the southwest by means of an underground cable which will generally follow existing private and public roads for a distance of c. 4km and potentially involve the crossing of the Tinnacross Stream by way of Horizontal Directional Drilling (Please refer to Appendix 2: '*Indicative Grid Connection Route: Figure 2.7*').

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 9th March, 2018 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- It is Council policy under 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'. 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 the west and south-east and which would adversely impact on the rural character of the area. The proposed development would seriously injure the visual amenities of the area and would conflict with this development plan objective which seeks to protect the landscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

Details the particulars of the proposed development, the site context, and the relevant planning history, before proceeding to analyse the proposal in light of the applicable planning policy considerations. It further notes that the proposed development does not necessitate environmental impact assessment whilst a separate screening exercise for the purposes of appropriate assessment has concluded that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site in view of the relevant conservation objectives and, therefore, a Stage 2 appropriate assessment (and the submission of a NIS) is not required.

The report proceeds to analyse the proposal and notes the site location on unzoned lands within a '*Lowlands*' landscape classification (which would typically have a higher capacity to absorb development). In a further examination of the landscape impact of the proposal the report also refers to the '*Landscape and Visual Appraisal*' provided with the application before concluding that the development has the potential to adversely affect the visual amenity of the surrounding area due to its scale and the elevated nature of the site.

The report subsequently considers various other aspects of the proposed development such as the potential for glint and glare, biodiversity considerations, the loss of agricultural land, traffic impacts, and effects on surface water drainage.

The assessment thus concludes by acknowledging that whilst the proposal is broadly supported by national, regional and local policy, and will not give rise to any concerns as regards glint, glare, drainage, or biodiversity etc., it would form a prominent and obtrusive feature on the landscape which would have an adverse impact on the rural character of the surrounding area. The report thus recommends a refusal of permission on the aforementioned grounds.

3.2.2. Other Technical Reports:

Chief Fire Officer: States that the applicant should be advised that under Article 12 of the Building Control Regulations, 1997-2015, a Fire Safety Certificate is required in respect of the proposed development and that works should not be carried out until such a certificate has been issued.

Environment: Recommends that further information be sought with regard to any toilet facilities and waste storage areas proposed within the temporary construction compounds.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

3.4.1. A total of 2 No. submissions were received from interested parties and the principle grounds of objection / concern raised therein can be summarised as follows:

- The potential for contamination of local water supplies.
- Devaluation of neighbouring property.
- The discharge of surface water runoff / drainage into third party lands.
- Interference with the views of the surrounding countryside.
- Detrimental impact on the residential amenity of neighbouring property by reason of overshadowing / loss of light.

4.0 Relevant Planning History

4.1. On Site:

None.

4.2. On Adjacent Sites:

None.

4.3. On Sites in the Immediate Vicinity:

PA Ref. No. 20171127. Was granted on 11th October, 2017 permitting Renewable Energy Systems Ltd. permission for the development of a temporary (27 years) ground-mounted solar photovoltaic (PV) farm to generate renewable electricity on a 12.7 Ha site, comprising solar arrays, energy storage, associated electrical infrastructure, fencing, access improvements and ecologically beneficial landscape works at Killabeg, Tinnacross, Co. Wexford.

PA Ref. No. 20171275 / ABP Ref. No. 300427-17. Was granted on appeal on 10th October, 2017 permitting JBM Solar Developments Ltd. for permission for a development consisting of: A 10 year permission for the construction of a solar PV energy development comprising installation of solar photovoltaic (PV) panels on ground mounted frames / support structures within existing field boundaries; underground cabling and ducting; 11 No. inverter / transformer stations; 11 No. HV cabins; 2 No. electricity control buildings with associated hard standing area; 1 No. communications cabin, site perimeter stock-proof security fencing (c. 36 Ha); CCTV security cameras; upgrade of existing agricultural site entrance located to the north of the site for construction and operational access; site access tracks; landscaping and all associated site development works. A temporary construction compound will also be provided. All at Tomsallagh, Ferns, Co. Wexford.

PA Ref. No. 20171680. Was granted on 14th February, 2018 permitting Renewable Energy Systems Ltd. permission for the development of a temporary (27 years) ground mounted solar panel photovoltaic (PV) farm to generate renewable electricity on a 10.4 Ha site, comprising solar arrays, energy storage, associated electrical infrastructure, fencing, access improvements and ecologically beneficial landscape works. All at Killabeg, Enniscorthy, Co. Wexford.

ABP Ref. No. 26.MA0009. Was determined on 4th March, 2010 approving the scheme entitled “M11 Gorey to Enniscorthy Scheme”, from Clough, Gorey, Co. Wexford to Scurlocks bush, Enniscorthy, Co. Wexford.

5.0 Policy Context

5.1. National and Regional Policy:

5.1.1. Project Ireland 2040: National Planning Framework:

Chapter 3: Effective Regional Development:

Section 3.4: Southern Region:

Key future planning and development and place-making policy priorities for this Region include:

- Harnessing the potential of the region in renewable energy terms across the technological spectrum from wind and solar to biomass and wave energy, focusing in particular on the extensive tracts of publicly owned peat extraction areas in order to enable a managed transition of the local economies of such areas in gaining the economic benefits of greener energy.

Chapter 9: Realising Our Sustainable Future:

National Policy Objective 55:

- 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.

Chapter 10: Implementing the National Planning Framework:

Section 10.3: Public Capital Investment – The National Development Plan and National Strategic Outcomes:

National Strategic Outcome 8: Transition to Sustainable Energy:

- New energy systems and transmission grids will be necessary for a more distributed, more renewables focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that

energy. State-owned commercial enterprises are significant players in the energy market, which is subject to an EU regulatory framework. Promotion of renewable energy is supported by policy in the form of a public service obligation levy.

- The diversification of our energy production systems away from fossil fuels and towards green energy such as wind, wave, solar and biomass, together with smart energy systems and the conversion of the built environment into both generator/consumer of energy and the electrification of transport fleets will require the progressive and strategic development of a different form of energy grid.
- The development of onshore and offshore renewable energy is critically dependent on the development of enabling infrastructure including grid facilities to bring the energy ashore and connect to major sources of energy demand. We also need to ensure more geographically focused renewables investment to minimise the amount of additional grid investment required, for example through co-location of renewables and grid connections.
- Ireland benefits from interconnection with the UK gas pipeline network and while there are two gas pipelines with two separate entry points into the island of Ireland, both pipelines are connected through a single facility in Moffat, Scotland. In addition, our gas storage capacity is limited, which poses a security of supply risk and constrains smoothing of seasonal fluctuation in gas prices.

5.1.2. **The Government White Paper ‘Ireland’s Transition to a Low Carbon Energy Future 2015 – 2030’:**

The White Paper sets out a framework to guide energy policy between now and 2030. It includes an objective to ‘*accelerate the development and diversification of renewable energy generation*’ and increase the country’s output of electricity from renewable sources. It states that this will be achieved through a number of means including wind, solar PV and ocean energy.

Section 137: 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.

5.1.3. **Regional Planning Guidelines for the South-East Region, 2010-2022:**

Chapter 6: Communications / Energy / Regional Climate Change Strategy:

Section 6.2: *Energy:*

PPO 6.3: 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:

- Ensure security of energy supply in order to support economic and social development;
- Source energy at a price that does not adversely affect competitiveness;
- Develop variable and alternative sources of energy generation;
- Maximise the use of renewable energy technologies;
- Promote a culture of energy conservation by all users;
- Assist the development of indigenous sustainable energy enterprises;
- Support and promote sustainable indigenous Bio-energy industries including the Bio-ethanol industry.

Section 6.2.6: *Renewable Energy Technology:*

PPO 6.8: The Regional Authority will support the sustainable development and deployment of renewable energy technology and the development of District Heating Systems.

5.2. Development Plan

5.2.1. Wexford County Development Plan, 2013-2019:

Chapter 5: Climate Change:

Section 5.3: *Adapting to Climate Change:*

Objective CC01: To have regard to the National Climate Change Strategy 2007-2012 and any updated version of this document published during the lifetime of the Plan

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).

Chapter 6: Employment, Economy and Enterprise:

Section 6.4: *Economic Development Strategy:*

Section 6.4.4: *Renewable Energies, Energy Crops and Sustainable Construction*

Chapter 11: Energy:

Section 11.3: *Renewable Energy:*

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 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).

Section 11.3.5: *Solar Power:*

Objective EN18: To promote the use of solar technologies in new and existing dwellings, offices, commercial and industrial buildings, subject to compliance with normal planning and environmental criteria and the development management standards contained in Chapter 18.

Chapter 14: Heritage:

Section 14.2: *Natural Heritage*

Section 14.4: *Landscape:*

Section 14.4.2: *Landscape Character Assessment:*

Landscape Character Units:

The number of landscape character units has been reduced by combining units with similar physical characteristics and sensitivity to development. There are now four landscape character units:

2. Lowlands:

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.

Section 14.4.3: *Landscape Management:*

Objective L01: To have regard to the Landscape Character Assessment and associated map contained in Volume 3, the Landscape and Landscape Assessment-Guidelines for Planning Authorities (2000) Draft and any updated versions of these guidelines published during the lifetime of the Plan, when assessing planning applications for development

Objective L03: To ensure that developments are not unduly visually obtrusive in the landscape, in particular in the Upland, River Valley and Coastal landscape units and on or in the vicinity of Landscapes of Greater Sensitivity.

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.

Objectives L05: To prohibit developments which are likely to have significant adverse visual impacts, either individually or cumulatively, on the character of the Uplands, River Valley or Coastal landscape or a Landscape of Greater Sensitivity and where there is no overriding need for the development to be in that particular location

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.

Chapter 18: Development Management Standards

5.3. Natural Heritage Designations

5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Slaney River Valley Special Area of Conservation (Site Code: 000781), approximately 2.2km southwest of the site.
- The Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), approximately 8.4km southwest of the site

6.0 The Appeal

6.1. Grounds of Appeal

- The Board is advised that there would appear to have been a misunderstanding by the Planning Authority as regards the footprint of the proposed development. In this respect it is submitted that the field which is highlighted in the Planner's Report (and which appears to have been the key issue in determining that the site conflicts with Objective L04 of the Development Plan owing to its elevated and exposed nature) is not within the boundary of the development.

The field identified in the Planner's Report (Page No. 14) is located to the west of the development area on more elevated lands which do not form part of the subject site. The southern fields of the proposed development are not visible in the photo contained in the Planner's Report as they are screened by the intervening trees.

- Considering the site was refused permission for the sole reason that it failed to accord with Objective L04 of the Development Plan due to its perceived elevated and exposed nature, it is submitted that the site would not be contrary to the proper planning and sustainable development of the area and thus there is no reason why it should not be granted permission.
- The original planning application was accompanied by a detailed assessment of the visual impacts attributable to the proposed development which concluded as follows:

'In terms of effects upon landscape character, the extensive screening around the site and across the wider landscape would limit the influence of the proposed development to the site itself. Whilst there would be a long term substantial magnitude of change within the fields which comprise the site, the extremely limited extent of change when considered at the scale of the Lowlands LCU would be considered negligible'.

'Visual effects experienced by road users would be limited to those driving directly past the site, which would last only a very short duration, resulting in a minimal effect or less in year 1, reducing further as the mitigation planting grows. The proposed development would be predominantly screened from the road network extending across the wider landscape'.

Whilst it is acknowledged that the proposed development could potentially be visible from along short sections of the public road to the west and southeast of the site, it is considered that the reason for refusal grossly overstates the degree of impact.

- Contrary to the position put forward in the reason for refusal that *'the southern fields are elevated and exposed'*, the accompanying supplementary report prepared by Stephenson Halliday Ireland, Environmental and Landscape Planning (please refer to Appendix 'C' of the grounds of appeal), includes a topographic plan which illustrates that the southern extent of the proposed development occupies some of the lowest lying lands in the area. In this respect it is further reiterated that there appears to have been a misunderstanding as regards which fields are within the development boundary.
- With regard to visual impact of the proposal from the surrounding road network, the site will not be visible from vehicles travelling north-eastwards along the roadway to the southeast as the direction of travel will be away from the development. Furthermore, vehicles travelling south-westwards along this roadway would need to look away from the direction of travel in order to view the site whilst a driver travelling at 60kph will only experience fleeting views of the development along this section of road.

- In relation to the roadway to the west of the site, vehicles travelling from west to east will experience fleeting views of the northern section of the development for a distance of c. 100m. For a vehicle travelling at 60kph, the site will only be visible for c. 6 No. seconds. This view (as illustrated in Viewpoint No. 2 of the Stephenson Halliday Report) will also be interrupted by multiple telephone poles and the screening provided by a strip of Christmas trees which is to be retained in addition to the proposed planting / landscaping measures. For vehicles travelling from east to west along this roadway, the site will not be visible as traffic will be moving away from the development whilst the existing roadside hedging will be retained. Before and after this short section of roadway, the site will not be visible from the west.
- The Board is referred to Viewpoint No. 4 of the photomontages which accompanied the initial planning application as this demonstrates that not only will the proposed solar panels constitute a very minor part of the view but that they will also be visible in the context of the new M11 Motorway in the foreground and the numerous wind turbines on the more elevated lands in the distance beyond the site. Therefore, it is submitted that the proposed development will sit rather innocuously within the landscape as opposed to forming a prominent and obtrusive feature.
- The report of Stephenson Halliday Ireland has concluded that *'the rural character of the landscape and visual amenity of those living in or passing through the area would not be unduly harmed'*. A similar conclusion was recently reached by the Board in its determination of ABP Ref. No. PL17.248028 with regard to a much larger solar farm development proposed in Co. Meath and consideration should be given to the contents of the relevant inspector's report.
- In addition to the report prepared by Stephenson Halliday Ireland, the report compiled by Pager Power Ltd. on glint and glare has also assessed the impact on vehicles using the surrounding road network. That report concluded as follows:

'the hedgerow along this road is likely to screen the panels from view of cars, motorbikes etc. (vehicles with low viewing height).'

'the hedgerow along this road is likely to screen the panels from view partially or completely. Fleeting views may remain, however these are considered insignificant'.

'It is unlikely effects would be experienced due to the intervening screening to the west of the assessed road'.

- In response to some of the issues raised in the third party submissions as regards the visual impact of the proposal and the potential for flooding, the Board is requested to consider the following:
 - The subject site is presently used for the production of Christmas trees which are typically grown to a minimum height of 2.5m. The proposed solar panels will be erected to a maximum height of 3.2m and will be installed at a minimum distance of 20m from the nearest dwelling house with the natural gradient of the land sloping away to the south from the adjacent residences. Therefore, it is submitted that the proposal solar panels which will sit behind those Christmas trees to be retained in addition to the new planting and will not reduce the amount of natural light at nearby housing below current levels.
 - There is no history of flooding on site whilst previous board decisions have acknowledged the 'light touch' nature of solar farm developments and that they have no impact on existing natural water runoff rates.

In support of the foregoing, the Board is referred to the Inspector's Report prepared in respect of ABP Ref. No. PL17.248028 wherein it is stated:

'Precipitation would infiltrate naturally into the ground and surface would drain naturally, following the existing hydrology. The nature of the site and the development is such that the proposal would not increase flooding elsewhere or displace water and thus increase flooding to other land and properties'.

Therefore, it is submitted that the proposed development will not give rise to any increased risk of flooding of adjacent properties.

N.B. Further elaboration on the applicant's response to the grounds of appeal is contained in the document entitled '*Landscape Appeal*' prepared by Stephenson Halliday Ireland Environmental and Landscape Planning and attached to the grounds of appeal (Appendix 'C').

6.2. **Planning Authority's Response**

- Whilst it is acknowledged that the one of the fields was incorrectly highlighted in the Planner's Report, the 2 No. southernmost fields are nevertheless considered to be prominent when viewed from the county road to the southeast of Viewpoint / Photograph No. 4. This is due to the sloped and undulating nature of the site which, when combined with the prominent nature of the northern fields from this road and the road immediately to the west / northwest, would manifest in a prominent and obtrusive feature on the landscape.
- The inspector is requested to note that the prominence of the southern fields is evident from positions along the county road to the southeast.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Environmental impact assessment (screening)
- Visual impact / landscape considerations

- Traffic implications
- Archaeological and architectural heritage implications
- Impact on residential amenity
- Glint and glare
- Appropriate assessment
- Other issues

These are assessed as follows:

7.1. **The Principle of the Proposed Development:**

- 7.1.1. From a broader perspective, it is apparent that the development of solar energy will aid in the achievement of Ireland's international, European and national obligations as regards the reduction of greenhouse gas emissions and the provision of energy from renewable sources. In this regard I would refer the Board at the outset to the Government's White Paper entitled *'Ireland's Transition to a Low Carbon Energy Future, 2015-2030'* which sets out a framework for a transition to a low carbon energy system which will provide for a secure supply of competitive and affordable energy. More particularly, Paragraph 137 of the aforementioned paper specifically states that *'Solar photovoltaic PV technology is rapidly becoming cost effective for electricity generation . . . and has the potential to increase energy security, contribute to our renewable energy targets and support economic growth and jobs'*.
- 7.1.2. The *National Planning Framework: 'Project Ireland 2040'* similarly aims to reduce the national carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation as well as targets for greenhouse gas emissions reductions. For example, National Policy Objective 55 aims 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'*. These objectives are given further expression at a regional level by reference to the *'Regional Planning Guidelines for the South-East Region, 2010-2022'* which seek to support the sustainable development and deployment of renewable energy technology.

- 7.1.3. In a local context, the provisions of the Wexford County Development Plan, 2013 are also in favour of the development of renewable energy and serve to emphasise the need to consider the implications for climate change in the assessment of development proposals (please refer to Objective Nos. CC01, CC04, CC05, EN07 & EN10), although it is regrettable that a 'Renewable Energy Strategy' for the county (as referenced in Objective EN10 of the Plan) has yet to be published. Moreover, it is notable that there are several examples of solar energy schemes having been permitted in the surrounding area by both the Planning Authority and Board (e.g. PA Ref. Nos. 20171127 & 20171680) and in this regard it is of particular relevance to note the recent decision of the Board to grant permission for a significant solar PV development on lands to the immediate southwest of the application site (PA Ref. No. 20171275 / ABP Ref. No. 300427-17). Further credence is lent to the general suitability of the wider area for the development of solar energy given the potential availability of a grid connection via the nearby Crane substation.
- 7.1.4. With regard to the siting of the proposed development on agricultural lands which are presently used for the production of Christmas trees, whilst the UK's *'Planning guidance for the development of large scale ground mounted solar PV systems'* (BRE National Solar Centre) advocates an approach whereby such developments should ideally utilise previously developed land, brownfield land, contaminated land, industrial land or lower quality agricultural land (based on a grading system defined by the Agricultural Land Commission), there is no policy provision in Ireland which would serve to preclude the development of solar farms on agricultural lands of any quality.
- 7.1.5. Therefore, on balance, it is my opinion that there is a positive presumption in favour of developments such as that proposed in light of Ireland's international, European and national commitments as regards the reduction of greenhouse gas emissions and the provision of energy from renewable sources, however, whilst I am amenable to the principle of the proposed development, any such applications should be assessed on their individual merits and subject to normal planning considerations.

7.2. **Environmental Impact Assessment (Screening):**

- 7.2.1. The construction of a solar PV array does not involve a class of development which is prescribed for the purposes of Section 176 of the Planning and Development Act,

2000, as amended, as set out in Parts 1 & 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended. Accordingly, there is no requirement for the applicant to submit an Environmental Impact Assessment Report in this instance.

7.3. **Visual Impact / Landscape Considerations:**

- 7.3.1. The construction of large-scale commercial solar arrays necessitates development sites of considerable size and extent and, therefore, such schemes may appear visually prominent in the surrounding landscape. Accordingly, in order to assess the visual impact of the subject proposal it is necessary to consider the site context having regard to the site location and the wider sensitivity and landscape value of the surrounding area.
- 7.3.2. In a local context, the proposed development site is located on the northern side of a small valley (where the lands fall south / south-eastwards towards the Tinnacross Stream) in an area which is primarily agricultural and characterised by an undulating rural countryside interspersed with individual farmsteads and one-off rural housing. When viewed from vantage points located on the southern side of the valley, the site is typical of the surrounding landscape with the Blackstairs Mountains forming a distant backdrop and a number of wind energy developments visible within the foothills of same.
- 7.3.3. In terms of a broader landscape classification it is of relevance to note that the subject site is not located within any identified scenic or sensitive landscape designation, such as along a ridgeline, and that the wider area forms part of the 'Lowlands' landscape character unit as detailed in Map No. 13: 'Landscape Units and Features' of the Wexford County Development Plan, 2013. In this respect I would advise the Board that these 'Lowlands' landscapes are generally deemed to be of a lesser sensitivity and thus have a higher capacity to absorb development without giving rise to significant visual intrusion.
- 7.3.4. In the context of assessing the subject proposal, I would also draw the Board's attention to the 'Landscape and Visual Appraisal' contained in Appendix 4 of the application and the accompanying photomontages etc. which provide an analysis of the visual impact of the proposed development and its effect on landscape character. In this regard the case has been put forward in the first instance that the loss of the

existing use of the application site as a Christmas tree nursery would not in itself be detrimental to the character of the wider landscape given its man-made and monotonous appearance. This usage is not considered to be a particularly valued element of landscape fabric and it has been further suggested that the return of the lands in question to agricultural use (or whatever use is appropriate at the time) upon the decommissioning and removal of the proposed solar farm could perhaps be interpreted as having a beneficial impact on the prevailing landscape character. The analysis then proceeds to consider the visual impact of the proposed development when viewed from various vantage points (including the dwelling houses identified in Figure L2) within the surrounding area at intervals of one and four years post-construction. In effect, it has been submitted that although views of the proposed development may be available from within the zone of theoretical visibility detailed in Figure L4, the overall visual impact of the proposal will be extremely limited (moderate / minor – minor) and localised. In this regard reference has been made to the design and layout of the scheme whereby the arrays have been set back from adjacent dwellings with belts of retained ‘nursery’ trees to provide for immediate screening of the site from these properties (which are primarily sited to the north / northwest of the site). Further screening of the development is to be achieved through the retention and future maintenance (and maturing) of the existing hedgerows / planting which define both the perimeter site boundaries and the internal field divisions with supplementary planting to be carried out as required. It has also been suggested that the visual impact of the development will be tempered by the surrounding topography and the presence of intervening features, including existing landscaping.

- 7.3.5. In its assessment of the proposal, the Planning Authority has concluded that the proposed development will have an adverse impact on the rural character of the surrounding area by reason of its location in an elevated and exposed position which is highly visible from those roadways to the south and southeast (*N.B.* This would seem to be in reference to those views of the site available from the local roadway which extends northeast - southwest through Tinnacross Crossroads between Ballydonigan and Oulartard c. 1km from the proposed development i.e. Viewpoint No. 4). Notably, these conclusions would seem to have relied upon (in part at least) the report of the case planner, however, the series of photographs contained in that

assessment, which purportedly serve to demonstrate the open and elevated nature of the application site, would appear to have incorrectly identified one of the subject fields as has been acknowledged in the Planning Authority's response to the grounds of appeal.

7.3.6. Having conducted a site inspection, and following a review of the available information, whilst I would concede that the proposed development will be visible to some extent, having regard to the surrounding topography, the specifics of the site context, and the presence of intervening features such as roadside boundary hedgerows etc., in addition to the mitigation to be provided by way of the planting / landscaping proposals set out in the application documentation, in my opinion, the overall visual impact of the proposal will be within acceptable limits and will not be unduly visible in the landscape. In this regard I am not convinced that the application site could be considered to be overtly elevated or exposed when taken in a wider context and I would further advise the Board that although longer distance views of the proposed development will be available from certain vantage points along those roadways to the southeast of the site on the opposite side of the valley (i.e. the roadway between Ballydonigan and Oulartard and that extending northwards from Tinnacross Crossroads), intervening features such as existing buildings and roadside vegetation will serve to limit any such views whilst traffic travelling along the Ballydonigan – Oulartard road will not be moving towards the site i.e. road users would have to look away from their direction of travel in order to see the development. From positions closer to the site, the overall scale and extent of the development will not be readily apparent whilst any views of the arrays will be obscured for the most part by roadside hedging etc.

7.3.7. With regard to the potential cumulative impact of the proposal when taken in conjunction with other solar array developments permitted in the area, with particular reference to the scheme approved on those lands to the southwest pursuant to PA Ref. No. 20171275 / ABP Ref. No. 300427-17, whilst I would accept that there will be some instances from vantage points situated at an increased distance from the site when views of multiple solar arrays may be available, such as from the more elevated lands on the southern side of the valley, I would suggest that any such views will be limited in extent due to the presence of intervening vegetation and the alignment of roadways relative to the developments in question. I would also suggest

that the limited height of the proposed arrays will further serve to mitigate their impact to some extent in that they will not obstruct longer distance views over the wider landscape towards features of interest such as the Blackstairs Mountains.

- 7.3.8. Therefore, having regard to the site context, including its location outside of any scenic or sensitive landscape designation and within an area (i.e. the 'Lowlands' landscape character unit) which is considered to have a higher capacity to absorb development without giving rise to significant visual intrusion, the design, scale and height of the proposed development, the nature of the prevailing topography, and the existing and proposed planting / screening measures, I am satisfied that the proposed development will not unduly impact on the character of the wider landscape or the visual amenities of the local area.

7.4. **Traffic Implications:**

- 7.4.1. At present, the proposed development site is accessible via an existing splayed entrance arrangement onto the local roadway to the immediate east which serves an adjacent farmyard and the wider Christmas tree plantation. However, during the construction phase, it is proposed to access the site via a new temporary entrance which will be situated further south along the eastern roadside boundary. In this respect the submitted Traffic Management Plan (Appendix 9) states that whilst it would be feasible to utilise the existing access arrangement during the construction stage, the new temporary access will have the benefit of improved sight distance given its location along a straighter section of roadway and thus provides for the safer access and egress of construction traffic. In addition, such an arrangement will also serve to segregate construction traffic from other vehicles visiting the existing farmyard / outbuildings etc.
- 7.4.2. Upon completion of the construction phase, the temporary entrance will be closed and the roadside boundary hedgerow reinstated to its original condition with operational traffic to utilise the main farm entrance.
- 7.4.3. Having conducted a site inspection, whilst I would concede that the temporary construction access will be located along a relatively straight section of roadway when compared to the existing site entrance, I would have some concerns as regards the adequacy of the sightlines at this location for traffic exiting the site onto the public road given the absence of any significant margin and the height of the

roadside boundary hedgerow to either side of the new access point. Furthermore, it would appear from a review of the submitted drawings, with particular reference to Drg. No. 'Figure 1.5: Site Entrance Detail', that the design of the proposed construction access does not incorporate a recessed entrance and thus could potentially give rise to delivery vehicles having to dwell on the public road pending the opening of any security gates etc.

7.4.4. In reference to the adequacy of the sight distance from the proposed construction entrance, Figure 1.5: 'Site Entrance Detail' indicates that sightlines in excess of 90m will be available in both directions onto the public road from a point set back c. 2.0 - 2.4m from the near edge of the carriageway, although this is reliant on the removal of part of the roadside boundary hedgerow to both the immediate north and south of the entrance and the carrying out of works (in part) on lands outside of the application site but within the ownership of the same landowner. In this respect I would advise the Board that consideration can be given to a relaxation in the applicable 'X' distance (i.e. the point from which the sightlines are measured) by reference to Technical Document TD41/95 which states that a reduced set back distance of 2.4m may be appropriate in instances involving lightly used accesses. In further support of the construction access proposals, I would also accept that the roadside works necessary to achieve the aforementioned sightlines will be carried out within the wider landholding of which the subject site forms part and thus will not infringe on third party lands. In addition, the preliminary traffic management plan provided by the applicant refers to the use of a banksman at the construction entrance during busy scheduled delivery times which will further aid in ensuring safe traffic turning movements at this location. Cognisance should also be taken of the temporary nature of the construction works.

7.4.5. In relation to the precise design of the temporary construction entrance I note that Section 2.1.4 of the Traffic Management Plan states that delivery vehicles will not be permitted to park or dwell along the roadside whilst a recessed entrance will be provided with an area for delivery vehicles to park immediately off the public road. Section 2.1.6 of the Plan further states that the proposed entrance junction will be designed to cater for the largest HGV delivery vehicles. Whilst the foregoing comments do not definitively tally with the entrance design detailed in Figure 1.5: 'Site Entrance Detail', I am satisfied that the provision of a suitable entrance

arrangement within the confines of the application site can be addressed by way of a suitable condition in the event of a grant of permission.

- 7.4.6. In respect of the on-going operation and maintenance of the proposed development, whilst I would concede that the sightlines available from the main entrance onto the public road are particularly poor to the south due to the alignment of the roadway and the obstruction caused by the adjacent roadside boundary, I would anticipate that the operational traffic levels associated with the proposed solar farm would be quite low and unlikely to give rise to any further impact on traffic safety, particularly when cognisance is taken of the existing and historical usage of the entrance in question by larger vehicles associated with the operation of the adjacent farmyard and wider Christmas tree plantation.
- 7.4.7. In relation to the wider traffic impact of the proposed development, whilst I would acknowledge the limited carriageway width of certain sections of the local road network, having regard to the likely low traffic volumes and speeds along these roadways, the temporary duration of the construction works and the associated traffic movements (as detailed in Section 2.5 of the preliminary traffic management plan), and the proposal to implement various traffic management / control measures (subject to the agreement of the Local Authority), it is my opinion that the surrounding road network has sufficient capacity to accommodate the additional traffic volumes consequent on the proposed development and that the subject proposal will not pose a risk to traffic / public safety.
- 7.4.8. Therefore, in view of the foregoing, and subject to the imposition of suitable conditions, I am satisfied that the traffic impact of the proposed development is within acceptable limits and can be satisfactorily accommodated.

7.5. **Archaeological & Architectural Heritage Implications:**

7.5.1. **Archaeological Heritage:**

- 7.5.2. In terms of the archaeological heritage implications of the proposed development, in the first instance it can be confirmed from a review of the available information, including the Archaeological Assessment contained in Appendix 5 of the supporting documentation provided with the application, that there are no Recorded Monuments or known features of archaeological significance within the confines of the application site, although a number of items of archaeological interest have

previously been recorded in the wider area, particularly during the course of the construction of the new M11 (Gorey to Enniscorthy) motorway scheme to the south / southeast.

- 7.5.3. With regard to the potential for unrecorded sub-surface archaeological features on site, given the limited ground disturbance associated with the use of directly-driven piles to support the metal framework for the solar panels thereby removing the need for deeper foundations (i.e. no concrete works will be required to support the mounting frames), it is my opinion that the proposal to undertake archaeological monitoring under license of all excavation works associated with the proposed cabling, substation, access road, temporary compound area, and any additional subsurface groundworks (with provision for the full excavation and recording of any archaeological features or deposits that may be exposed during said monitoring), is acceptable and provides for a satisfactory level of mitigation.
- 7.5.4. By way of further clarity, I would also concur with the findings of the Archaeological Assessment that the proposed development will not visually detract from the setting or immediate surrounds of any nearby features of archaeological interest.
- 7.5.5. Accordingly, having considered the foregoing, it is my opinion that the proposed development, subject to the implementation of suitable mitigation measures, is unlikely to have any significant impact on items of archaeological interest.
- 7.5.6. Architectural Heritage:
- 7.5.7. Following a review of the available information, and in light of the absence of any protected structures either within the confines of the application site or in the immediate vicinity of same, I am satisfied that the proposed development is unlikely to give rise to any significant impact on any such items of built heritage.
- 7.5.8. However, in the interest of completeness, I would advise the Board that the indicative route for the underground grid connection (please refer to Appendix 2: Figure 2.7 of the submitted particulars) would appear to suggest that the proposed cabling / ducting will be laid within the decking of Crane Bridge (c. 2.5km southwest of the application site) which has been identified in the National Inventory of Architectural Heritage as a structure of '*regional*' importance due to its '*Architectural*' and '*Technical*' qualities (although reference is made elsewhere in the application to the use of Horizontal Directional Drilling to cross the Tinnacross Stream).

Nevertheless, given that the grid connection does not form part of the proposal under consideration and is located on lands outside of the application site, I do not propose to comment further on the built heritage implications of same.

7.6. Impact on Residential Amenity:

- 7.6.1. Given the overall design, height and nature of the proposed development, its operation is unlikely to give rise to any significant impact on the residential amenity of nearby properties by reason of overshadowing, noise, or nuisance etc. whilst the mitigation to be provided by way of the setback distances proposed, the retention of screen buffers, and the use of landscaping, will serve to alleviate concerns as regards the potential for glint and glare.
- 7.6.2. With regard to the potential impact of the construction of the proposed development on the residential amenities of surrounding property, whilst I would acknowledge that the works involved could give rise to some degree of disturbance / inconvenience to local residents, given the limited nature and scale of the development, and as any constructional impacts will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition.

7.7. Glint and Glare:

- 7.7.1. In assessing the potential for glint and glare attributable to the proposed development it should be noted in the first instance that the proposal under consideration does not incorporate tracking panels and that the arrays will be mounted in a fixed position and orientated to face due south. Furthermore, solar photovoltaic panels, given the very nature of their design, need to absorb (as opposed to reflect) solar radiation and are therefore finished in an anti-reflective coating (*N.B.* Appendix 'B' of the submitted '*Glint and Glare Study*' refers to a number of solar reflection studies and details that solar panels have previously been found to reflect approximately 5% of light (the same as water) whereas surfaces such as snow and white concrete reflect a considerably higher percentage of light).
- 7.7.2. The subject application has been accompanied by a '*Solar Photovoltaic Glint and Glare Study*' prepared by Pager Power on behalf of the applicant (please refer to Appendix 4 of the submitted particulars) which identifies a total of 51 No. dwelling houses and 2 No. through-roads within 1km of the proposal development that could potentially have views of the panels. This assessment proceeds to detail the

methodology and the results of geometric reflection calculations undertaken as part of prediction modelling which has determined that some degree of reflection will theoretically be possible towards the majority of the identified dwellings in the absence of any screening (on the assumption of 'bare ground') (*N.B.* Reflection is considered to include both 'glint' and 'glare'). Similarly, it has been calculated that the majority of the receptors along the roadways to the east and west of the proposed development will also theoretically experience some reflection in the absence of screening. However, on further analysis, the study has concluded that given the presence of intervening screening between the various receptors (both dwellings and roadways) in almost all instances no effects are predicted in practice, with the exception of Dwelling Nos. 16, 34 & 41 where partial views are available or a view towards the solar panels could not be confirmed on the basis of the available imagery. It is further stated that solar reflections at these properties would last for up to 20 minutes on any one day at any one location and only from windows with a clear view of the reflecting solar panels (*N.B.* Solar reflections would only occur on days when the weather is clear and sunny). The study subsequently states that the effects would last for more than three months per year but would equate to less than 60 minutes per day and, therefore, on the basis of the methodology set out in Appendix D: '*Glint and Glare Impact Significance*' of the document, the overall impact of these effects would be 'low' where the visibility of the reflecting panels is significantly screened and 'moderate' where the panels are visible.

- 7.7.3. In relation to the roadways, it has been predicted that solar reflection could be experienced at Receptor Location Nos. 11 (along the roadway to the east) and 29-34 (along a stretch of roadway to northwest / west), which would equate to a combined total roadway length of 750m, with the effects lasting for up to 20 minutes on any one day at any one location, although in practice these would be fleeting experiences when viewed from a moving receptor / vehicle. However, with regard to Location Nos. 29-32, it has been suggested that existing intervening hedgerows would likely screen views of the panels from cars and motorbikes etc., although vehicles with a higher driving position, such as HGVs and farm machinery, may have views of the reflecting solar panels. Therefore, on the basis of the submitted analysis, it has been asserted that the overall impact of solar reflections along those roads to the

immediate east and west of the development will be 'low' as per the methodology set out in Appendix D.

- 7.7.4. By way of further clarity, the study has also sought to emphasise that solar reflection effects will only be experienced in specific circumstances e.g. an observer within a dwelling would have to be positioned at a window directly facing the solar panels on a sunny day at a time when a reflection is geometrically possible in order to experience any effect. With regard to road users, an observer would have to look away from the direction of travel in most instances to view a solar reflection whilst any such effects would be of a fleeting nature from a moving vehicle. In terms of the intensity of the reflections, it is further reiterated that these will be comparable to those emanating from water whilst reflections from surfaces in an outdoor environment are regularly encountered by road users.
- 7.7.5. Overall, the case has been put forward that the proposed development, in light of the available (UK and others) guidance and the expected intensity, will have a 'low' impact on road safety and a 'low - moderate' effect on residential amenity and thus no mitigation would be required. However, it has been suggested that additional screen planting could be provided in the locations identified in Figure No. 7 of the study in order to guarantee the removal of all predicted effects, although the required height of any such planting has not been specified.
- 7.7.6. At this point I would draw the Board's attention to the site location relative to the new M11 (Gorey to Enniscorthy) motorway scheme that is currently under construction to the southeast and the potential for the proposed development to give rise to instances of glint or glare which could serve to distract passing motorists thereby impacting on the safety of traffic travelling along this route. Regrettably, the Glint and Glare Study does not expressly consider the potential impact of the proposed solar arrays on the new M11 motorway, however, it is of relevance to note that the corresponding study submitted with PA Ref. No. 20171275 / ABP Ref. No. 300427-17 (i.e. the solar PV energy development recently approved by the Board on those lands to the west / southwest of the application site) did acknowledge that said development could potentially have impacted on motorists by way of glint and glare and thus some solar panels were to be omitted from the development in order to mitigate any such impacts. Furthermore, in the assessment of ABP Ref. No. 300427-17 the reporting inspector recommended the inclusion of a condition previously

imposed by the Planning Authority which sought the complete omission of 3 No. fields from the development in the interests of addressing the potential impacts of glint and glare for motorists on the proposed M11 motorway (*N.B.* It would appear that the Planning Authority was of the opinion that it would be necessary to omit the aforementioned 3 No. fields in their entirety in order to be certain of no glint / glare impacts on users of the M11 roadway). However, notwithstanding the aforementioned recommendation, in its decision to grant permission for ABP Ref. No. 300427-17 the Board did not impose any condition which required the omission of part of the development and thus would appear to have been satisfied with the mitigation provided through the individual panel omissions detailed in the glint and glare study and the landscaping / screening proposals.

7.7.7. In addition to the foregoing, the Glint and Glare Study provided with the subject application does not include any analysis of potential impacts on the local roadway to the south of the site which extends south-westwards from Tinnacross Crossroads (seemingly due to the separation distance between it and the proposed development), although I would concede that views of the development along same are obscured along a significant extent of same by intervening features such as vegetation and buildings etc. (as referenced in the visual analysis).

7.7.8. On balance, I am amenable to accepting the findings of the *'Solar Photovoltaic Glint and Glare Study'* that the proposed development will not have a significant impact on the residential amenity of nearby properties or on the safety of road users travelling along those routes identified to the east and west of the application site.

Furthermore, I would accept that the effects glint and glare will only occur during suitable weather conditions whilst any such impacts will be of limited duration and will be reliant on specific circumstances such as motorists looking towards the development and away from their direction of travel. However, I would have some reservations as regards the potential impact of the proposal on the M11 motorway, although these will likely be mitigated by the proposal to maintain the existing boundary hedgerows, including along the southernmost boundary where the hedgerow extends to a height of c. 5-8m. In the event the Board is not satisfied that the elevation of the proposed development relative to the new motorway and the aforementioned screening will not sufficiently mitigate the potential impact of glint and / or glare from the solar array, it may wish to consider seeking further

information in this regard or the imposition of a condition that will require the development to be revised pursuant to a further investigation of any such impacts.

7.8. **Appropriate Assessment:**

- 7.8.1. From a review of the available mapping, including the data maps from the website of the National Parks and Wildlife Service, it is apparent that whilst the proposed development site is not located within any Natura 2000 designation, it is situated upstream of the Slaney River Valley Special Area of Conservation (Site Code: 000781) and the Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076). In this respect it is of relevance to note that it is an objective of the Planning Authority, as set out in Chapter 14: '*Heritage*' of the Wexford County Development Plan, 2013, to conserve and protect the integrity of sites designated for their habitat / wildlife or geological / geomorphological importance and to prohibit development which would damage or threaten the integrity of these sites, including SACs, cSACs, SPAs, NHAs, pNHAs, Nature Reserves, and Refuges for Fauna. Moreover, Objective NH03 aims to ensure that any plan or project and any associated works, individually or in combination with other plans or projects, will be subjected to Appropriate Assessment Screening to ensure there are no likely significant effects on the integrity of any Natura 2000 site and that the requirements of Article 6(3) and 6(4) of the EU Habitats Directive are fully satisfied. In those instances where the plan / project is considered likely to have a significant effect on a Natura 2000 site, the Plan states that it will be subjected to Appropriate Assessment and will only be permitted to proceed after it has been ascertained that it will not adversely affect the integrity of the site or, in the absence of alternative solutions, the plan / project is deemed to be imperative for reasons of overriding public interest, all in accordance with the provisions of Articles 6(3) and 6(4) of the EU Habitats Directive.
- 7.8.2. In effect, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive. Accordingly, it is necessary to screen the subject proposal for the purposes of 'appropriate assessment'.
- 7.8.3. In terms of assessing the potential direct, indirect or secondary impacts of the proposed development on the conservation objectives of the aforementioned Natura

2000 sites, it should be noted at the outset that due to the location of the proposed works outside of any Natura 2000 designation, and the separation distances involved, it is clear that the subject proposal will not directly impact on the integrity of any European Site (such as by way of habitat loss or reduction). However, having reviewed the available information, in light of the nature and scale of the proposed development, the specifics of the site location relative to certain Natura 2000 sites, and having regard to the prevailing site topography, in my opinion, by employing the source / pathway / receptor model of risk assessment, it can be determined that particular consideration needs to be given to the likelihood of the proposed development to have a significant effect on the conservation objectives of the Slaney River Valley Special Area of Conservation and the Wexford Harbour and Slobbs Special Protection Area on the basis that the proposed development site is situated upstream of these Natura 2000 sites and drains towards same via the Tinnacross Stream i.e. it will be necessary to consider the potential implications for downstream protected habitats etc. arising from any potential change in flow rates or any deterioration in water quality attributable to the proposed works given the hydrological connectivity between the application site and those European sites.

- 7.8.4. Having reviewed the available information, including the screening exercises undertaken by both the applicant (Appendix 1) and the Planning Authority, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature, design and scale of the proposed development, including the limited extent and depth of the necessary ground / excavation works, the site location outside of any Natura 2000 designation, the limited ecological value of the lands in question, the separation distances involved between the site and nearby designations, the proposed surface water drainage arrangements whereby runoff will be allowed to drain naturally to existing channels and to percolate through the ground with no increase in runoff volumes, and the intention to adhere to best practice construction techniques (including those pertaining to the prevention of water pollution), the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats or species on the ecology of the aforementioned Natura 2000 sites. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of the

foregoing Natura 2000 sites and would not undermine or conflict with the Conservation Objectives applicable to same.

7.8.5. Accordingly, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site, in particular, specific Site Codes: 000781 & 004076, in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

7.9. **Other Issues:**

7.9.1. **Grid Connection:**

Whilst a grid offer for the required capacity of the proposal has been accepted by the applicant, the final connection to the electricity grid will be subject to the technical and safety requirements of ESNB. In this regard Appendix 2: '*Indicative Grid Connection Route: Figure 2.7*' details an indicative routing for the grid connection between the proposed development and the Crane substation to the southwest by means of an underground cable which will generally follow existing private and public roads for a distance of c. 4km and potentially involve the crossing of the Tinnacross Stream by way of Horizontal Directional Drilling.

Given that the grid connection does not form part of the subject application (although it has been considered as part of the applicant's screening exercise for the purposes of appropriate assessment), and as the nature of any such connection (i.e. its route, construction and methodology) has not been finalised, I do not propose to comment further on same other than to clarify that any grant of permission for the subject application should 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.

7.9.2. **Ecological Considerations:**

Having regard to the current use of the subject site for the production of Christmas trees, it is clear that the lands in question are of low ecological value with limited significance from a biodiversity perspective and, therefore, I am in broad agreement with the contents of the ecological impact assessment which has accompanied the application. However, I would accept the necessity of providing for the movement of

mammals etc. through the site by ensuring the provision of suitable openings at appropriate intervals within the perimeter boundary fencing.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

9.0 Reasons and Considerations

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

10.0 Conditions

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

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 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 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.

- 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 on the 19th day of January, 2018.
- b) Details for the provision of additional screen planting in the locations identified in Figure 7 of the 'Solar Photovoltaic Glint and Glare Study' shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- c) 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 interest of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

6.

- a) No 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 interest of clarity, and of visual and residential amenity.

7. 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 (National Roads Authority, 2008).

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

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

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

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. 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 but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

Reason: In the interests of public safety, residential amenity and protection of the environment.

10. Prior to commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:

- a) Arrangements for the provision of an amended temporary construction site entrance which incorporates a recessed entrance detail in order to avoid larger delivery vehicles having to dwell on the public road.

Reason: In the interest of traffic safety.

11. Prior to connection to the national grid, a community liaison committee shall be established to liaise between the developer and the local community. The membership of this committee shall reflect membership of the local community, shall include representatives of Wexford County Council and the developer. Details of the committee shall be agreed between the planning authority and the developer prior to commencement of development. The community liaison committee shall have responsibility for the administration of any community benefit fund account, to be set up in accordance with details contained in Section 6 of the 'Planning Application Supplementary Documentation' dated January, 2018, and for decisions on projects to be supported by the fund in addition to acting as a liaison committee with the local community in relation to ongoing monitoring of the operation of the proposed development.

Reason: To provide for the allocation of resources from the community gain fund in accordance with the requirements of the local community and to provide for appropriate ongoing review of operations at the site in conjunction with the local community.

12. 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.

13. 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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to 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.

Robert Speer
Planning Inspector

25th October, 2018