



An
Bord
Pleanála

Inspector's Report ABP-302037-18

Development	Solar PV energy development
Location	Ballinclea, Ballyrichard & Templeraíne, Arklow, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	17/1440
Applicant(s)	Highfield Solar Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	James and Jennifer Kavanagh
Observer(s)	None
Date of Site Inspection	22 nd November 2018
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 58.9 hectares is located 3km to the north of Arklow, Co. Wicklow and 120m to the east of the M11 at junction 20. The site is located in a number of townlands- Ballinlecka, Ballyrichard and Templeraíney in 13 separate fields. These are numbered as 1-13 in Fig. 8 of the Archaeological Assessment and in Fig. 2 the Further Information Response
- 1.2. The site comprises of agricultural land. The general area is characterised by one off housing and agricultural holdings. A livery business is also located on the L2172 adjacent to the site. The proposed entrance is an existing entrance on the R772. The land is spread over a large area and rises from 50m AOD to 80m AOD.

2.0 Proposed Development

- 2.1. The proposed development would consist of a Solar PV Energy Development with an export capacity of between 26 MW and 30 MW. It would broadly comprise of the following: solar PC panel arrays mounded on steel support structures, an ESB Networks substation building, electrical transformer/ inverter station modules, CCTV poles with security system, security fencing, site access roads, associated cabling and ducting. It is stated that the solar module arrays would run in a east to west direction and face south to maximise the sites solar gain.
- 2.2. The metal framework will be direct driven into the soil, removing the need for deep foundations.
- 2.3. An indicative cable route is included in Figure 2.7 in Appendix 2.
- 2.4. Section 4.1.4 states that the lifespan of the solar farm is projected to be at least 30 years.
- 2.5. The Solar Farm would be unmanned and remotely monitored using CCTV cameras.
- 2.6. The planning application was accompanied by a report which included a description of the development, an appropriate assessment screening, landscape and visual assessment, an archaeological impact assessment, a noise impact assessment and a glint and glare assessment.

2.7. Further Information was submitted dated the 22nd of May, 2018 which omitted the most elevated parts of fields 1 and 2 – Figure 1.1 Site Layout- Rev B. Revised visual impact was carried out including the cumulative impact of another solar farm in close proximity to the site – Templeraíneay East Solar Farm (PA 16/1285 250m southwest of site). The further information was accompanied by a drainage impact assessment, details of revised site lines at the entrance, details of landholdings, details of ownership of sightlines and a calculation of costs of disassembly.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a decision to grant permission subject to 14 No. conditions, the following of note:

- Condition 3(a): permission allows for the construction and operation of the proposed Solar Farm on the site for a period of 30 years from the date of the commencement of development on site.
- Condition 4: The site layout Figure 1.1 Revision B(DK) submitted on the 22nd May 2018 shall be amended such that field number 10 is omitted.
- Condition 11: Site drainage mitigation measures set out in the Drainage Impact Assessment shall be carried out in full within three months of the commencement of development.
- Condition 12 (a): Existing field boundaries shall be retained and new planting shall be undertaken in accordance with the Proposed Landscaping Measures Figure LV-C submitted on the 22nd May 2018.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planner expressed concern in relation to the cumulative impact of a number of solar farms in the area and the lack of national guidelines and recommended refusal. A note on the file from a Senior Engineer noted the cumulative impact

but considered that the visual impact could be mitigated by omitting parts of the windfarm. An F.I. Request was issued which included 6 items.

- A second planner's report dated the 11th day of June 2018 expressed concern in relation to the openness of field 10 from the R772. It was considered that Field 3 and Field 4 would not appear to give rise to significant negative impacts.

Other Technical Reports

- Area Engineer: Requests Further Information.
- Water and Environmental Services: Requests Further Information.
- Roads: Requests Further Information in relation to sight lines, traffic volumes during construction and construction management plan.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland requests that 'the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application.'
- Department of Arts, Culture, and the Gaeltacht: requires Archaeological Impact Assessment as there are a number of Recorded Monuments in the vicinity of the site.
- Inland Fisheries Board: requires that all work is completed in line with a Construction Environmental Plan and works should be in compliance with Section 6 of the Ecological Statement.

3.4. Third Party Observations

A total of 6 No. third party observations were submitted to the Planning Authority. The items raised are similar to those raised in the grounds of appeal.

4.0 Planning History

Relevant applications in close proximity to the site include the following:

PA 16/1285

Permission granted for solar farm with a site area of 21.5 ha on lands to the south west of the site at Coolboy, Kilbride, Co. Wicklow.

PA 16/176/ ABP PL27.246527

Permission refused by Planning Authority for solar farm development at Ballycooleen, Avoca, Co. Wicklow for one reason relating to visual impact.
Permission granted subject to conditions by the Board on appeal.

PA/1440/ ABP 301726-18

Permission granted by Planning Authority for a solar farm with a site area of approximately 39 hectares at Johnstown North, Co. Wicklow. This application is currently on appeal to the Board.

5.0 Policy Context

5.1. Development Plan

The operative plan for the area is the Wicklow County Council Development Plan 2016 - 2022.

Chapter 9 – refers to Infrastructure.

Solar Energy

The principal application of solar energy is use in heating. Therefore this aspect of solar power is addressed in Section 5 to follow. However, as technology advances, solar power is increasingly being used to generate electricity through the use of photovoltaic (PV) cells. Photovoltaic systems use semiconductor materials to convert light into electricity. This technology is widely used in consumer products such as

solar calculators, watches or garden lights, and is increasingly used as a cost-effective solution in Ireland for stand-alone applications where a grid connection is too expensive (e.g. parking meters, caravans or remote holiday homes). Solar PV can also be used to provide free solar electricity to houses as well as for commercial and industrial applications. It is now possible to connect solar PV systems to the grid, opening up a new era for solar PV in Ireland. Applications are also being made for commercial scale ground mounted solar PV 'Solar Farms' and such developments are supported, subject to suitable locations being selected and environmental criteria being satisfied.

Solar Energy Objectives

CCE9 -To facilitate the development of solar generated electricity.

CCE11- To support the development of commercial scale ground mounted solar PV 'Solar Farms' subject to compliance with emerging best practice and available national and international guidance. *(It should be noted that there is currently (2016) no national guidance available on the appropriate location and design of solar farms. However there are a number of excellent examples of such guidance provided in other jurisdictions and these will be utilised in the assessment of any applications; for example 'Planning guidance for the development of large scale ground mounted solar PV systems' produced by BRE National Solar Centre and Cornwall Council in the UK.)*

Chapter 10 – refers to Heritage

- The site is located within the Eastern Corridor Landscape Character Area.

5.2. National Policy

Energy White Paper - Transition to a Low Carbon Energy Future 2015:2030.

This comprises a complete energy policy update. It sets out a range of actions that the Government intends to take and reiterates a previously adopted target of achieving 40% of electricity generation by 2020 in renewable forms. The document emphasises the role of new technologies and the role of the citizen. Paragraph 137 refers to the potential of solar energy.

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.

5.3. International Guidance

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

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

5.4. Natural Heritage Designations

The nearest Natura 2000 site to the proposed solar farm is Buckroneys Bay Dunes and Fen (Site Code 000729).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The grounds of appeal can be summarised as follows:

- Notices fail to adequately describe development.

- No details of grid connection.
- The design of the structures has not been submitted.
- Notice refers to electrical cabling.
- No notice was erected close to the public road at Ballinaclea.
- Failure to conduct the Stage 1 Appropriate Assessment adequately.
- The development is of a size and scale that requires an EIA.
- Development would be detrimental to the equine industry.
- The applicant applied for a 10 year permission however the planning authority granted a 30 year permission.
- Concerns regarding drainage.
- Impact on Horses.

6.2. Applicant Response

6.2.1. A response to the appeal was received from Highfield Energy Services Ltd. on behalf of the applicant. The points made in the response can be summarised as follows:

- It is considered that the site notices comply with the requirements. An indicative grid route connection has been submitted.
- It is considered that the drawings submitted comply with the requirements.
- The electrical cabling referred to is the internal electrical cabling.
- The applicant originally erected two site notices and then erected a third at the request of the planning authority.
- Appendix 4 contains clarification in relation to the Appropriate Assessment.
- Solar farms do not come within any of the classes as set out in Schedule 5 of the Regulations and therefore such developments do not require a mandatory EIA.

- The main risk to horses is from glint and glare. The planner's report states that the impact of glint and glare on horses is minimal.
- The 10 year period is the time period within which the development must be constructed and the 30 year period is the period for which the development is permitted to operate.

6.3. **Planning Authority Response**

6.3.1. The Planning Authority response considers that the documents previously forwarded to the Board addresses the issues raised. The following points are put forward.

- In relation to item 8 of the submitted appeal, the Planning Authority confirms that it granted a permission with an appropriate period of 10 years - see Condition No. 2.
- The 30 year period in Condition No. 3 allows for the operation of the solar farm for a defined period of 30 years.

6.4. **Observations**

- None.

7.0 **Assessment**

7.1. Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

- Principle of Development
- Visual Impact
- Glint and Glare
- Drainage
- Other Issues
- Appropriate Assessment
- Environmental Impact Assessment

7.2. Principle of Development

- 7.2.1. The proposed development is supported by national, regional and local policies in terms of renewable energy. I would note that since the publication of the 2009 Renewable Energy Directive (2009/28/EC) that Ireland has a target objective requiring that 16% for all energy comes from renewable sources by 2020. This Directive is enshrined into national policy objectives. I have referred to the Government White Paper entitled 'Ireland's Transition to a Low Carbon Energy Future 2015 – 2030', published in December 2015. The main objective of this policy document is to reduce carbon emissions and in this regard solar panel developments are considered an integral part of achieving this objective. The National Spatial Strategy, 2002 – 2020, recognises the importance of renewable energy as it is stated that the aim should be to ensure that resources such as energy is used in sustainable ways.
- 7.2.2 There is currently no national guidance in relation to solar panel developments in Ireland however I would note that the UK Guidelines 'Planning Guidance for the development of large scale mounted solar PV systems' recommend that when solar panels are located in agricultural land there is a preference to locate them in poorer or more marginal agricultural land as opposed to fertile agricultural land.
- 7.2.3 The Wicklow County Development Plan 2016-2022, has no strategy or guidance in relation to larger solar panel developments but does have objectives that support to solar energy development as well as having an overriding strategy to encourage the provision of renewable energy sources. I would consider that the proposal is acceptable in principle and the nature of use would not be contrary to the objectives and policies either nationally or under the County Development Plan.

7.3. Visual Impact

- 7.3.1. The subject site covers an area of 58.9 hectares in a landscape of rolling terrain largely in agricultural use. In response to the Further Information Request, two fields numbered 1 and 2 were omitted which reduced the site area to 51.4 hectares. Condition No. 4 of the grant of permission by the Planning Authority required the

omission of field No. 10 in the interests of visual amenity and the proper planning and sustainable development of the area. The field reference numbers are illustrated in Fig. 2 of the F.I. Response dated the 22nd of May 2018 and in the Archaeological Assessment submitted with the application.

- 7.4. As per the current Development Plan, the site is located within the 'Eastern Corridor Area'. The Development Plan notes that this land is of 'low sensitivity' and is more likely to be able to absorb change without impacting on the special characteristics of the area. The area is designated as 'most favoured' in the Wicklow Wind Strategy. The Wicklow Wind Strategy defines the 'Most Favoured' areas as: 'less sensitive landscapes that are deemed favourable for wind energy development given settlement patterns, landscape designation, views and prospects and the absence of areas of heritage value.'
- 7.5. The potential landscape and visual impact of the scheme is considered in the original Visual Impact Assessment Report which accompanied the application and in an additional assessment which accompanied the Further Information Response. Both reports are accompanied by photomontages.
- 7.6. The key concerns raised in the submissions and planning authority reports related to the cumulative impacts of solar farms in the area, and the impact from local roads and residences.
- 7.7. A number of solar farms have been granted in the area- Templeraíne East Solar Farm- PA 16/1285 – c. 250m at its nearest point to the south west of the site, PA/1440 - c. 800m at its nearest point at Johnstown North - this application was granted by the PA and is currently on appeal to the Board under ABP- 301726-18, and Ballycooleen PA16/176 (PL27.246527) c. 3.5km to the north west. Ballycooleen is located on the western slopes of Ballinakill and Ballinabrannagh and in my view this would considerably limit the inter-visibility between the two solar farms. There may be a few points on local roads where both solar developments would be visible at the same time. However, having regard to the two farms, I do not consider that the cumulative impact would be unduly injurious to the visual amenities of the area. The visual impact assessment has examined the impact of Templeraíne East and the current site taken together in photomontages and considers that generally there are very limited views and a lack of cumulative impact. Two properties lie south of the

proposed development site - Allenwood and the adjacent single storey new build dwelling recently completed and occupied on the day of the site inspection. There would be some minor impact from the new build, however, it is proposed to erect panels a distance of 175m from the rear boundary of this dwelling and infill any gaps in the boundary hedgerow and plant additional trees. The Johnstown site currently under appeal is located on the opposite side of the M11 at this location. I have examined the photomontages submitted with the application and assessed the potential cumulative impact from a number of points both in the immediate vicinity and further afield and I consider that there will be limited cumulative impact due to the physical characteristics of the area, the existing landscaping, and the distance between the sites.

- 7.8. Whilst the development will be visible from the immediate surrounds and from various points along local roads, I consider that the undulating nature of the landscape provides a level of screening precluding open views either in the immediate environs or from further distances. I am not unduly concerned in relation to the impact of field 10 from the R772 to the south of the site and I am satisfied that the revised layout as shown on Figure 1.1 Rev B dated the 22nd day of May 2018 is acceptable. I consider that the predominant view is towards the higher lands of Ballymoyle Hill rather than the lower lying lands of the site. The highest part of the hill is 280m AOD, with the lowest parts found around Templeraíney Bridge area and along the R772 at approximately 50m AOD. The site ranges from 50m AOD at its lowest to 70m AOD at its highest under the revised layout. The lands now omitted from the original drawings (Fields 1 and 2) were in excess of 80m AOD. Therefore, the upper three quarters of Ballymoyle Hill would be the dominant view when viewed from the R772 and the local roads in the area.
- 7.9. The Board will note the intention of the applicant to retain existing hedgerows within and abounding the site as well as proposals for further planting. I am satisfied that the views of the site from short range are curtailed by hedgerows and trees in the general area.
- 7.10. Whilst the landscape in the area will change in the area as a result of the cumulative impact of the proposed solar farms, I do not consider that the impact will be seriously injurious. I note the designation of the landscape in the Development Plan and I share the view that the land is of low sensitivity and more likely to be able to absorb

change without impacting on the special characteristics of the area. Having regard to the localised nature of the visual impact and the proposals for additional planting, I consider that the proposal is satisfactory with regard to visual impact and landscape character.

7.11. Glint and Glare

7.12. Issues of the impact on glint and glare has been raised by the appellants with particular reference to the impact on horses using their livery business. A petition was signed by Livery Customers of Templeraíney House Stud and a letter was submitted by the Irish Racehorse Trainers Association expressing concern in relation to health and safety aspects in relation to glint and glare.

7.13. A glint study was submitted with the application. It is stated that solar PV panels are designed to absorb light. Their primary function is to absorb sunlight and convert this to electricity. Thus reflectance levels from a given solar site are much lower than the reflectance generated by standard glass and other common reflective surfaces.

7.14. The glint study did not study specifically the impact on horses, however I consider that the study is a useful tool in the assessment as it examined the impact on the adjacent dwelling. The response to the appeal states that the adjacent dwelling could experience a reflection between approximately 6 - 6.30am from the end of March to mid - September. These results do not take into account the fact that there is existing and proposed vegetation.

7.15. There is no evidence to support the potential impact on horses and the overall conclusions of the glint study demonstrate that there is a low potential occurrence of glint from the proposed development. Overall, I would consider that given the low potential occurrence of glint from the proposed development and the nature of the landscape that the proposed development would not have any significant impacts on the surrounding area in relation to glint and glare.

7.16. Drainage

7.16.1. Concerns were raised in relation to insufficient and inappropriate drainage of the site.

- 7.16.2. A Drainage Impact Assessment was submitted in response to the Further Information Request. The Drainage Impact Assessment has been prepared in accordance with 'The Planning System and Flood Risk Management: Guidelines for Planning Authorities and it is stated in Section 1.5 that it 'aims to prove that the proposed development will not increase run off rates from the greenfield levels, when proposed mitigation measures are taken into account.'
- 7.16.3. The drainage analysis carried out has showed that the impermeable surfaces introduced are insignificant and therefore no attenuation storage is required. Any existing drainage ditches or features will be retained in their existing stage and will continue to intercept overland flows from the site. It is also proposed to construct two swales within the site. There is very little hardstanding proposed and I note that current grass cover is to be retained or reinstated adjacent to and under solar panels and access tracks will be unpaved and constructed from local stone.
- 7.16.4. The planner's report considers that having regard to the minimal area of hard surfacing, the retention of the extensive area of existing land cover and the amelioration measures, the proposal would not result in alteration of the existing drainage arrangements or add to existing flooding in this area. I concur with this view and I would not consider that the proposed development would generate any significant additional surface water.
- 7.16.5. Accordingly, on the basis of information provided, it is reasonable to conclude that the proposed development will not exacerbate the prevailing drainage conditions in the area.

7.17. Other Issues

7.17.1. Adequacy of drawings and site notices

I am of the view that the drawings and the wording of the site notices submitted are adequate and comply with the Planning and Development Regulations. I note that the Planning Authority have accepted them as valid and there is sufficient information for the Board to make a decision.

- 7.18. In relation to the locations of the site notices, I note that initially two site notices were erected and a third was erected following an F.I. Request issued by the Planning

Authority. The Planning Authority have inspected the notices and have accepted the validity of the application and the Board has no further role in this matter.

7.19. Grid Connection

7.20. The grid connection route is omitted from the development description as it does not form part of the development for which planning permission is sought. The indicative grid connection route, as illustrated in Figure 2.7 Indicative Grid Connection Route was submitted with the application. I note that any proposed connection would be subject to a further connection and a condition should be imposed to reinforce this point. Such a condition has been imposed on previous consents for such developments.

7.21. Length of Permission

7.22. Condition 3(a) of the grant of permission by the Planning Authority was as follows:

7.23. 'This permission was for the construction and operation of the proposed Solar Farm on this site for a period of 30 years...' The appellants consider that this condition is ultra vires the powers of the Local Authority as permission was only sought for 10 years.

7.24. I note that in the information submitted with the application, a time frame of 30 years was stated. However, should the Board be minded to grant permission, I note that in similar cases, the Board has taken a consistent view of allowing a 25 year period for from the date of commissioning of the solar array. In the interests of consistency and to enable the Planning Authority to review the operation of solar array in the light of the circumstances then prevailing, I consider that a condition for 25 years only would be appropriate.

7.25. **Appropriate Assessment**

7.26. An Appropriate Assessment Screening Report was submitted with the application which identified that there was one European site within 5km of the site – Buckronev Brittas Dunes and Fen SAC (Site Code 000729).

- 7.27. This site is located c. 2km to the north-east of the proposed development. There are no hydrological connections/ connectivity between the proposed solar farm and the SAC.
- 7.28. The AA screening considered potential for impacts on European sites to occur due to the proposed development. It was concluded that having regard to the ecological characteristics of the features of European sites in the surroundings and characteristics of the proposed development, there was an absence of any potential ecological impact pathway and therefore no potential impacts were identified. It was also determined that there were no cumulative or in-combination effects on designated sites.
- 7.29. In conclusion having regard to the foregoing and on the basis of the information available, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site and in particular Buckroneys- Brittas Dunes and Fen SAC (Site Code 000729) in view of the sites' Conservation Objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

7.30. **Environmental Impact Assessment**

- 7.30.1. The appellant considers that the development is of a size and scale as to require an Environmental Impact Assessment.

Schedule 5 of the Planning and Development Regulations 2001, (as amended), sets out Annex I and Annex II projects which mandatorily require an EIS. Part 1, Schedule 5 outlines classes of development that require EIS and Part 2, Schedule 5 outlines classes of developments that require EIS but are subject to thresholds. I have examined the Part 1, Schedule 5 projects and I do not consider that a solar farm is included in any of these project descriptions. I have also examined the Part 2, Schedule 5 projects and although I note that while there are some projects under Paragraph 3 'Energy Projects' which relate to energy production, I do not consider that these projects would be applicable to a solar farm as proposed. In reaching this

conclusion I have had regard to the other recent solar farm developments before the Board, where a similar conclusion was reached in each case.

8.0 Recommendation

- 8.1. Further to the above assessment of matters pertaining to this appeal, including the consideration of the submissions made in connection with the appeal and including my site inspection, I recommend that **permission** should be granted for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the proposed development, the suitability of the topography of the site, the proximity of a grid connection, the pattern of development in the vicinity, the provisions of the Wicklow County Development Plan 2016 – 2022, and of regional and national policy objectives in relation to renewable energy, it is considered that, subject to compliance with the conditions set out below, the proposed development would have acceptable impacts on visual amenity, would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would be in accordance with the proper planning and sustainable development of the area.

9.2. Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the receiving environment, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 22nd day of May 2018, 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 considers it appropriate to specify a period of validity of this 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. (a) Existing field boundaries shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the Proposed Landscaping Measures Figure LV_C submitted to the planning authority on the 22nd day of May, 2018.

(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 interest of biodiversity, the visual amenities of the area, and the amenities of dwellings 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, of visual and residential amenity and to minimise impacts on drainage patterns and surface water quality.

7. Before construction commences on site, details of the structures of the security fence showing provision for the movement of mammals shall be submitted for prior approval to the planning authority. This shall be facilitated through the provision of mammal access gates every 100 metres along the perimeter fence and 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.

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, a structural assessment and monitoring programme of the haul route along the Ballyspillane West Road and the 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, 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, and to allow wildlife to continue to have access to and through the site.

11. 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.

Emer Doyle

Inspector

4th January 2018