



An
Bord
Pleanála

Inspector's Report ABP-302731-18

Development

Proposed electrical substation and associated 110kV and MV infrastructure required to connect ground-mounted solar PV generation to the electricity transmission and all associated ancillary site development works.

Location

Rosspile, Clongeen, Co. Wexford

Planning Authority

Wexford County Council

Applicant(s)

Highfield Solar Limited

Type of Application

Strategic Infrastructure Case

Observer(s) / Submissions

- 1) Wexford County Council
- 2) Inland Fisheries Ireland
- 3) Peter Sweetman on behalf of the Community First Action Group
- 4) Eugene & Bernie McGee
- 5) Brendan, Tony, Eileen & Declan Redmond
- 6) Austin Redmond
- 7) Aidan Redmond

- 8) Marion Brady
- 9) Joe Hudner & Others
- 10) Anne Marie Toomey c/o Foulksmills
Tidy Towns
- 11) Chris & Brighide Kerrigan

Date of Site Inspection

20th March 2019

Inspector

Mary Crowley

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1.0 Introduction

- 1.1. An application has been made directly to the Board pursuant to the provisions of Section 182B of the Planning and Development Act 2000 (as amended) for the development of an electrical substation and associated 110kV and MV infrastructure required to connect ground-mounted solar PV generation to the electricity transmission and all associated ancillary site development works at Rosspile, Clongeen, Co. Wexford.
- 1.2. The applicant entered into pre-application discussion with the Board, as provided for in Section 182E of the Act, in September 2017. The Board issued a Direction on the 8th June 2018 advising the prospective applicant that the development is Strategic Infrastructure coming within the scope of Section 182A of the Act. The current application before the Board is made on foot of this Direction. The Board decided on 29th January 2019 that an oral hearing would not be necessary in this case.
- 1.3. This substation will serve a proposed solar farm located within the townlands of Raheenduff, Haresmead, Rosspile, Coolcliffe, Horetown North, Clongeen, Co Wexford on a site area of approximately 152.8ha for which Highfield Solar Limited applied for 10 year planning permission to Wexford County Council on 18th June 2018 (Reg Ref 20180837 refers). Planning permission was refused on the 10th August 2018 for 6 no reasons. This decision is the subject of a first party appeal to the Board (ABP Ref 302475 refers). This appeal is being considered concurrently with this SID application and the report and recommendations pertaining to same should be read in conjunction with this SID case.

2.0 Site Location and Description

- 2.1. The site is located in rural lowlands near the village of Foulksmills in County Wexford and lies within the townland of Rosspile. The land is agricultural with hedgerows and field drainage predominantly separating individual fields. The site is accessed from an existing agricultural entrance on the northern boundary with the local road. The River Corock runs to the north and east of the site. The Bannow Bay SAC and pNHA are located along the Corock River Basin approx. 290m from the proposed substation to the east.

- 2.2. The village of Foulksmills is located approximately 1.2km north-west of the site with Clongeen approximately 1.6km to the south west. The site is served by a network of well-maintained local roads, surrounded by regional roads which connect the settlements of Newbawn, Wellingtonbridge and Taghmon. The R736 is c680m to the west of the site and runs in a north-south direction from the N25 at Ballinaboola, meeting the R733 at Wellingtonbridge to the south.
- 2.3. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the file and within the reports submitted with the application. These serve to describe the site and location in further detail.

3.0 Proposed Development

- 3.1. The SID works consist of a new 110kV electrical substation and associated 110kV and MV infrastructure, lightening protection masts, perimeter security fencing (steel palisade fence and gate with a stated height of 2.4m), CCTV cameras, access tracks, 110kV end masts, underground cabling, temporary construction compound, tree planting, drainage infrastructure and all associated ancillary site development work within the townland of Rosspile. The proposed substation will connect the proposed ground mounted solar PV farm directly to the electricity transmission system via the existing 110kV overhead line which traverses the site.
- 3.2. The substation will comprise of two buildings and various external electrical plant mounted on concrete plinths in separately controlled, conjoined compounds; a Transmission System Operator (Eirgrid) (TSO) and compound and an Independent Power Producer (Generator) (IPP) compound. The TSO building will consist of a portal frame structure up to c.8.2m in height with associated landscaping and security measures. The IPP building is not part of this application (permission for this infrastructure is sought under the Solar Farm application). The compound will be accessed from the west via a new access track and upgraded existing field entrance located on the L-3030 local road. The two interface compound sites will have an area of c.3,787m² and will facilitate the transmission of electricity between the solar PV generator and the transmission network.

- 3.3. The IPP substation compound will include the Eirgrid substation building which will house their high voltage switchgear and protection equipment to ensure the control and safe operation and protection of the National Grid and banded concrete plinths for the support of external electrical plant and equipment.
- 3.4. It is stated that the Applicant has signed a grid connection agreement with Eirgrid for the 110kV infrastructure proposed. Connection to the existing overhead lines will involve the construction of 1 no. new 110kV steel lattice support tower and the replacement of 1 no. existing 110kV pole set with a new steel lattice tower. Both new and replacement towers will be located in the same field within the Rosspile array area, and within the corridor of the existing 110kV overhead line. A looped connection arrangement will be formed, with the 110kV circuit connecting to Eirgrid switchgear located in the TSO building in the substation compound via underground cables and returning to the 100kV overhead transmission line, also via underground cables. It is stated that the final detailed design of the grid connection arrangement will be carried out by Eirgrid.
- 3.5. The foul water from sanitary facilities at the substation will be collected and treated in a suitably designed holding tank in the compound. It is stated that the holding tank shall be required to serve an occupancy of up to four people and shall be emptied by a license waste contractor as required. No oils or fuels will be stored at the substation compound.
- 3.6. The application was accompanied by the following:
- Planning & Environmental Report (Planning Policy, Need for the Development & Consultation; Key Characteristics of Proposed Development; EIA Screening; Hydrology & Water Quality; Biodiversity; Roads, Traffic & Transportations; Population and Human Health, Cultural Heritage, Landscape & Visual and Glint & Glare). The Appendices includes inter alia Archaeological Assessment Report, Biodiversity Report, Landowner Consent and an Outline Construction and Environmental Management Plan (OCEMP).
 - AA Screening Report
 - Natura Impact Assessment
 - ESNB 110kv Ducting Specifications

4.0 Submissions and Observations

4.1. Planning Authority

Wexford County Council in their submission of 11th January 2019 sets out the relevant National, Regional and Local Development Plan policies together with details of the solar farm that is to be connected to the substation and reasons for refusal. The report also sets out the following as summarised:

- **Special Amenity Orders, Conservation, Heritage** – There are no special amenity orders impacting on this site. There are no protected structures or architectural conservation areas located on the subject side. There are no known monuments located on the subject site although the area is likely to be of archaeological interest. The subject site is located 300m from the Banow Bay SAC and pNHA. The stream along the south eastern boundary connects to the designated Natura 2000 site.
- **Surface Water & Flooding** – There are no known events or identified flood risks in the subject site. The field drainage system would appear to be working in good order and no additional issues would be considered on the subject site to normal attenuation for new structures and hard surfaces.
- **Landscape Impact & Visual Impact** – While a Landscape and Visual Impact Assessment has been submitted there is no focused assessment on the subject site although it is considered that the assessment of the cumulative impacts is appropriate. It is acknowledged that there would be some “Moderate – Slight” localised residual landscape and visual impacts, but that these would dissipate as the proposed planting is established and matures.
- **Overall Development** - The scale of the combined development (solar farm and substation) is exacerbated by the fact that the site is split into eight portions. It is considered that this greatly increases the dominance of the development and intensifies the impact of the landscape. At a local level, the screening effect of vegetation will be lost and views into and across the site would be opened up due to the proposal to remove a section of the roadside boundary for site access. The Planning Authority does not consider that a development of this scale and nature can be easily assimilated in the

landscape and consider that the proposed screening would be of limited effect in this regard.

- **Capacity of the Road Network** – There are no significant concerns relating to the road network during operational phase should the development take place. A construction management plan would be required to ensure that construction traffic is controlled and a development bond would be required to repair any road or services damage.
- **Environment Carrying Capacity & Likely Impact** – It is the Planning Authority’s view that the combined development of this size and scale cannot be easily assimilated into the landscape and considered that the proposed screening and mitigation would be of limited effect in this regard.
- **Agriculture** - It is the Council’s view that the combined development proposed by reason of its size, scale and nature is not compatible with the development policies relating to agricultural activity and that it would set a precedent, which when considered on a cumulative basis could undermine the strength of agriculture in the area. Furthermore there is no clarity relating to the consequences for agriculture and the food industry, which is considered a national priority under Harvest 2020.
- **Community Gain** - Wexford County Council recommend that a one off payment of €100,000 be paid to the Council to be managed and ring fenced for community development is in the local area.
- **Bond** – No special development contributions would be required if a bond is applied to protect during construction. A bond would also be required for decommissioning of equipment at the end of the permission period. In this case the bond for the total site would be €527,563.00.
- **Development Contributions** – The Development Contribution Scheme 2018 outlines the charges for Solar Farms as Roads €500.00 per MW, Recreation & Community €1500.00 per MW. Whilst the application does not specify the generating capacity of the proposed solar farm it is mentioned in supporting documentation of the planning application as having a 85 MW capacity.

Roads	€500.00 x 85MW = €42,500.00
Recreation & Community	€1500.00 x 85MW = €127,500.00

- **Conclusion** – The Planning Authority has determined that the solar farm which included plans for the substation, should be refused as the proposed development has the potential to have an overwhelming negative impact on the landscape and the residential amenity of local residents. It is therefore the view of the Wexford County Council that this application under 182(A) of the Planning and Development Act 2000 as amended should be refused.

4.2. Prescribed Bodies

Inland Fisheries Ireland - While the submission is attached to the SID file the response refers to the *application by Highfield Energy for a solar farm at Rosspile* and it is noted that much of the content refers to the wider development of the solar farm rather than the specifics of the SID substation.

Noted that development is within the Corock River Catchment and also transects the Corock River. A large number of small tributaries of the Corock border and flow through the site. The Corock River is a salmonid water with excellent populations of salmon, brown trout and sea trout. The Corock River catchment supports several species listed in Annex II of the Directive including Salmon, River Lamprey, Brook Lamprey and Otter.

A number of recommendations include maintaining watercourses, no instream works without consultation with the IFI, no discharge of suspended solids or any other deleterious matter to watercourses, refuelling, disposal of hazardous wastes, bunding, road run off and the design and management of wheel washes. Recommendations also include that any proposals for the eradication of invasive species (cherry laurel and rhododendron) from the mixed broadleaved woodland bordering the Rosspile sub site together with their removal if found at any location bordering streams or the Corock main channel.

4.3. **Objections / Observations**

A copy of the application was forwarded to Wexford County Council together with 9 other prescribed bodies. Eleven¹ submission(s) / observation(s) were received from the following bodies / parties:

- 1) Wexford County Council
- 2) Inland Fisheries Ireland
- 3) Peter Sweetman on behalf of the Community First Action Group
- 4) Eugene & Bernie McGee
- 5) Brendan, Tony, Eileen & Declan Redmond
- 6) Austin Redmond
- 7) Aidan Redmond
- 8) Marion Brady
- 9) Joe Hudner & Others
- 10) Anne Marie Toomey c/o Foulksmills Tidy Towns
- 11) Chris & Brighide Kerrigan

The main issues raised may be summarised as follows:

- No justification for site. There are more suitable locations. No evaluation of options carried out.
- The development is within the Corock River Catchment. Concern is raised regarding impact of construction works in particular on the River Corach SAC, a river that leads directly into the Bannow Bay SPA, SAC and pNHA. Impact on bats.
- The combined development by reason of its size, scale and nature would undermine the strength of agriculture in the area. There is an impact on rural character, loss of good fertile agricultural land and implications on a traditional way of life. Industrial development such as that proposed is a contradiction at this location.

¹ Please note that the Oral Hearing memo dated 24th January 2019 referred to eleven submissions / observations. However Mr Aidan Redmond's name was omitted from that list. The issues raised by Mr Redmond were identified in the summary of issues presented in the memo and are also included in this report.

- Inadequate visual impact assessment. No focused assessment of the subject site. A development of this scale and nature cannot be easily assimilated into the landscape. Screening will be required which will be ineffective. Applicant hasn't clearly demonstrated appropriate measures to offset the loss of biodiversity. No landscape Masterplan / planting plan provided.
- Reference is made to O'Grianna v An Bord Pleanála. This proposal is project splitting as there is currently no solar farm in place to feed this substation and no decision has been made on the proposed solar farm.
- The development cannot be assessed in isolation and the impact of the proposed solar farm is a significant material consideration in determining this development. Both should be refused as they have the potential to have an overwhelming negative impact on the landscape and the residential amenity of the area.
- In making its decision the Board must take into consideration (1) the Advocate General's Opinion in Case C-461/17, (2) the Judgement of the CJEU in Case C-323/17, (3) the Judgement of the CJEU in Case C-164/17 and the cumulative effects with ABP-302475-18.
- Other issues - Fire hazard, impacts on health of residents, construction working hours, noise levels coming from the substation, no local long term employment, roads around the site are not suitable for traffic, 10 year permission is adversely long, negative impact on property values and no certification of competencies for the companies who provided supporting reports.

5.0 Applicant's Response to Submissions

5.1. The applicant's response was prepared and submitted by Highfield Solar Ltd on behalf of the applicant and may be summarised as follows. A CD containing an additional copy of the submission was also provided.

5.2. Wexford County Council

- Many of the matters raised relating to the wider development were existing at the time of the pre-planning meeting however none of them were mentioned as "red flags items" or matters of significant concerns at that stage

- A detailed Archaeological Assessment Report was provided with the application. No direct negative impacts on the known archaeological resources are predicted.
- The comments of Wexford County Council with regard to Visual and Landscape Impact and environmental carrying capacity appear to relate to the wider development.
- Where the proposed applications are successful the Community Benefit Fund resulting from the proposed site will be circa €180,000 per annum, to be administered and used locally. This is in addition to the commercial rates payable by the proposed development. The applicant notes a one off payment of €100,000 ring fenced for community development and a separate payment of €127,000 for recreation and community relating specifically to the solar farm element. Whilst the applicant has no issue with these payments the applicant queries the Local Authority position that the two applications be grouped with regard to a decision but then treated separately with regard to development contributions.
- With regard to the separate decommissioning bond no calculations have been provided in this regard although it has been presented for the wider site.

5.3. **Inland Fisheries Ireland** – Mitigation measures are proposed to protect against deleterious matter entering the Corock system during the construction and operational phases of the development. These are included in the Appropriate Assessment Screening Report and Natura Impact Statement (and associated Outline construction & Environmental Management Plan) and relate to protocols with regard to:

- Concrete works and concrete vehicle wash out
- Potential suspended solids
- Hydrocarbons
- Waste management and material storage
- Invasive species
- Directional drilling
- Refuelling
- Wheel washing

5.4. **Peter Sweetman on behalf of the Community First Action Group** – The applicant has no comment to make in relation to this submission.

5.5. **Others** (Aidan Redmond, Austin Redmond, Brendan, Tony, Eileen & Declan Redmond, Joe Hudner & Others, Chris & Brighide Kerrigan, Marion Brady, Anne Marie Toomey c/o Foulksmills Tidy Towns and Eugene & Bernie McGee)

- **Policy** – The SID submission and observation together with the planning application and first party appeal letter pertaining to the wider development also reference objectives of the Wexford County Development Plan, together with European, National and Regional Policy supports.
- **Tourism** – Impacts to tourism as a result of the development are not expected.
- **Working Hours** – Suitable working hours have been proposed within the application.
- **Noise** – The noise impact assessment has used low noise level limits suitable for an area of low background noise. Predicted noise levels are below these limits.
- **Lighting** – The Biodiversity Report includes specific commitments with respect to lighting.
- **CCTV** – All CCTV cameras will be orientated in towards the solar site so as not to encroach on the privacy of neighbouring property.
- **Traffic** – The Planning & Environmental Report includes detail on traffic movements associated with the development including mitigation measures.
- **Health** – The 110kV line infrastructure is existing and the proposals include for underground cabling within the development area. The applicant notes that EirGrid has produced a useful document called “EMF & You”. The proposed development is to operate significantly below international recommendations and acceptable electric and magnetic field levels. Any impacts arising from the development can be considered negligible.
- **Existing Tress & Hedgerows** – External boundary hedgerows are to be maintained and supplemented in order to limit the visual impact of the proposed development. Within the site at the internal crossing points minimal hedgerow removal will be required and this has been details in the NIS. These crossing

points are not associated with the proposed grid connection infrastructure. Internal hedgerow removal is extremely limited and has been qualified.

- **Proposed Ecological Enhancement & Biodiversity** – The concerns raised do not appear to contradict anything that has been presented within the planning submission. Submitted that the observers have failed to reference the positive impacts on ecology as a result of repurposing an area of regularly fertilise farmland to a solar farm.
- **Lighting in Bat Locations** – The Biodiversity Report includes specific commitments with respect to lighting to allay concerns.
- **Landscape Plan** – For the wider site the applicant has prepared “Landscape Mitigation Plans” and believe this is sufficient detail for the Board to assess the query raised.
- **Visual Impact Assessment** – No further comment but the applicant is available to produce additional details if required by the Board.
- **Agricultural Impact** – The seed mix (unplanted) is not for human or animal consumption but is suitable for biodiversity improvements.
- **Drainage & Services** – The Planning & Environmental Report includes arrangements with regard to drainage.
- **EIA Screening** – This is included in the submitted Planning & Environmental Report.
- **Grid Connection** – The NIS includes within its assessment both the generation asset infrastructure and the grid connection infrastructure.
- **Fire Safety** – The battery storage units do not form part of the SID case. However the Outline Construction & Environmental Report includes proposals with regard to fire safety. The CFO has been consulted on the wider application and includes recommendations with regard to fire safety procedures.
- **Cabling** – Underground cabling has been routed to minimise the impact on public roads.
- **10 Year Permission** – The rationale is outlined in the Planning & Environmental Report. However given the clarity provided in the publication of the Renewable Electricity Support Scheme in July 2018 the Board may deem

it appropriate to limit by condition the length of permission to the standard period.

- **Residential Amenity** – The applicant is committed to limiting any perceived impact on all householders in close proximity to the proposed development and are committed to establishing landscaping measures one growing season in advance of construction works to assist in alleviating any concerns.
- **Property Values** - With regard to the wider development, there is no evidence to suggest that proximity to solar farms impacts on property values. Reference is made to PL26.247366 and PL14.246850.
- **Public Information** – Newspaper advertisement for the public information event included reference to the substation and information on same was displayed at both public information events.
- **Pre Application Consultation** – The applicant engaged in a SID pre-application consultation process with the Board to determine the application process followed.

5.6. The submission was accompanied by the following inter alia:

- Appeal Letter 302475 & Annex IV
- Photomontage VP5 & VP7
- Landscape Mitigation Plans
- Public Information Advertisement
- Statements of Authority

6.0 Planning History

6.1. There is no evidence of any previous planning application at this site. However as set out previously this substation will serve the proposed adjoining solar farm for which permission was refused by Wexford County Council. The application and appeal may be summarised as follows:

6.2. **ABP Ref 302475 (Reg Ref 20180837)** - The proposed solar farm located within the townlands of Raheenduff, Haresmead, Rosspile, Coolcliffe, Horetown North, Clongeen, Co Wexford on a site area of approximately 152.8ha for which Highfield Solar Limited applied for 10 year planning permission to Wexford County Council on

18th June 2018 (Reg Ref 20180837 refers) was refused planning on the 10th August 2018 for 6 no reasons summarised as follows:

- 1) It is considered that a development of this nature and scale due to its character and location on a fragmented holding of 152 ha, would militate against the preservation of the landscape, cultural heritage resources, the amenities of residential property and agricultural land use patterns.
- 2) It is considered that the proposed development which would occupy highly productive agricultural lands would be premature pending the adoption of a Renewable Energy Strategy for County Wexford.
- 3) The proposal would adversely affect the visual amenities of the rural area and its setting which is an area where agricultural activity predominates.
- 4) There is a lack of guidance at national, regional and local level in relation to the appropriate location, scale and distribution of proposals for solar arrays of this size and scale.
- 5) The proposed development would set an undesirable precedent.
- 6) Insufficient information has been submitted with the application to enable the Planning Authority to determine the impact of the biodiversity and ecology on the area of the proposed development.

6.3. This decision is the subject of a first party appeal to the Board (ABP Ref 302475 refers). This appeal is being considered concurrently with this SID application.

7.0 Further Submissions

7.1. There are no further submissions recorded on the SID file save for correspondence from the Department of Housing, Planning and Local Government acknowledging receipt of letter from An Bord Pleanála.

8.0 Policy and Context

8.1. National Planning Policy Context

8.2. The National Planning Framework (NPF) (2018)

8.3. The NPF is the overarching national planning policy document for Ireland. It is a high level strategic plan that sets out a vision for Ireland to 2040, expressed through ten National Strategic Outcomes (NSO). One of the key goals of the NPF (National Strategic Outcome 8) is that of Transition to a Low Carbon and Climate Resilient Society. It acknowledged that Ireland's energy policy is focused on the pillars of sustainability, security of supply and competitiveness. It is stated:

“In the energy sector, transition to a low carbon economy from renewable sources of energy is an integral part of Ireland's climate change strategy and renewable energies are a means of reducing our reliance on fossil fuels.”

8.4. It is an objective that:

“40% of our electricity needs will be delivered from renewable sources by 2020 with a strategic aim to increase renewable deployment in line with EU targets and national policy objectives out to 2030 and beyond.”

8.5. National Policy Objective 55 states:

“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.”

8.6. **Energy Policy Framework 2007 – 2020 – Delivering a Sustainable Energy Future for Ireland (Energy White Paper)**

8.7. This white paper sets out a strategic energy policy framework to deliver a sustainable energy future for Ireland. One of the key elements of the policy framework is to ensure the delivery of security of supply, which is considered to be essential for all sectors of the economy, for consumers in general and for society as a whole. The key items needed to deliver a secure supply of electricity on a consistent basis are identified as robust networks and electricity generating capacity. To this end, it is an overall objective to strongly support electricity investment programmes in the high voltage transmissions network and the distribution network, in order to facilitate regional development.

8.8. **National Renewable Energy Plan 2010**

8.9. The National Renewable Energy Action Plan (NREAP) sets out the Government's strategic approach and concrete measures to deliver on Ireland's 16% target under

Directive 2009/28/EC. It states that the Government has set a target of 40% electricity consumption from renewable sources by 2020. Ireland's Fourth Progress Report was submitted in February 2018. Ireland has met the interim target set by the Renewable Energy Directive for 2015-2016, reporting an average final energy consumption of 9.5% over that two year period, against a target level of 8.92%.

8.10. Strategy for Renewable Energy 2012-2020

8.11. The Strategy states that the Government's overriding energy policy objective is to ensure competitive, secure and sustainable energy for the economy and for society. It states:

“Renewable energy, allied with energy efficiency, is crucial to our goals of secure sustainable and competitive energy supplies reducing dependency on expensive fossil imports and underpinning the move towards a low carbon economy.”

8.12. Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012

8.13. In this policy statement the Government acknowledges the essential need to meet the demand for energy in a safe, secure and continuous manner as it is the lifeblood of the economy and society. It reaffirms the imperative need for development and renewal of the energy networks, in order to meet both economic and social policy goals. The Government endorses, supports and promotes the strategic programmes of the energy infrastructure providers, particularly EirGrid's Grid 25 investment programme across the regions. The benefits are identified as securing electricity supply to homes, businesses, factories and farms, underpinning sustainable economic growth in the regions and enabling Ireland to meet its renewable energy targets.

8.14. White Paper - Ireland's Transition to a Low Carbon Energy Future, 2015-2030

8.15. This energy policy covers the time frame up to 2030. Chapter 5 of the document, “Delivering Sustainable Energy: Efficiency, Renewables, Technology”, sets out government priorities in the area of renewable energy up to 2030. This includes incorporating higher penetration of renewable energy sources. It is recognised in the document that conventional sources of energy will remain a significant component of supply over the period to 2030. Beyond 2030, the paper sets out a vision of a radical transformation of Ireland's energy system which is required to meet our climate policy

objectives. It is stated that this transformation will result in a low carbon energy system by 2050 with GHG emissions from the energy system reduced by between 80% and 95%, compared to 1990 levels.

8.16. Draft Renewable Energy Policy and Development Framework 2016

8.17. The Framework notes that under the 2009 Renewable Energy Directive, EU Directive 2009/28/EC: On the promotion of the use of energy from renewable resources, Ireland is committed to produce at least 16% of all energy consumed by 2020 from renewable sources. This will be met by 40% from renewable electricity.

8.18. The main principles of the Renewable Electricity Policy and Development Framework include:

- Maximise the sustainable use of renewable electricity resources in order to develop progressively more renewable electricity for the domestic and potential, future export markets.
- Assist the achievement of targets for renewable energy, enhance security of energy supply and foster economic growth and employment opportunities.

8.19. Grid25 A Strategy for the Development of Ireland's Electricity Grid for a Sustainable and Competitive Future' (2008)

8.20. EirGrid's Grid 25 strategy provide a strategic overview for the development of the electricity transmission system to 2025 and beyond. It is based on a vision of delivering a strong, cost efficient transmission system, which will be essential for facilitating regional economic growth and to facilitate the achievement of Ireland's renewable energy goals. A review of Grid 25 completed in 2015 confirmed inter alia the urgent need for investment in the electricity transmission system. The overall scale of Grid 25 was reduced on foot of reduced projected demand and the availability of new technologies.

8.21. Regional Planning Guidelines

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

- The South-East Regional Authority actively and strongly supports the sourcing and generation of energy from within the South-East. Energy from renewable sources is an essential part of this sustainable development strategy

- It is a Strategic Goal to support *the development and improvement of key economic infrastructure, such as energy generation and transmission networks, including renewable energies and telecommunications, all of which are essential for the continued development of the region* (A9)
- It is a Strategic Goal to develop *the Green Economy in rural areas; actively promoting the exploitation of wind energy and other forms of renewable energy as valuable regional assets in appropriate locations* (D5)
- *It is an objective of the Regional Authority that local authorities, the private sector, energy production and supply companies are encouraged to formulate sustainable energy policies and practices which seek to inter alia maximise the use of renewable energy technologies and assist the development of indigenous sustainable energy enterprises* (PPO 6.3)
- Section 6 of the Guidelines concerns Communications / Energy / Regional Climate Change Strategy. Policy PPO6.8 states that *the Regional Authority will support the sustainable development and deployment of renewable energy technology and the development of District Heating Systems.*

8.23. Development Plan

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

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

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

8.26. **Paragraph 5.3** states that the Plan supports the development of sustainable renewable energy sources for its role in reducing fossil fuel dependency and

greenhouse gas emissions and facilitating the transition to a low carbon economy. The Wexford County Development Board document Positioning Wexford for the Upturn-Towards Sustainable Growth and Development focuses on 'Greening Wexford'. The starting point is the transition to a low carbon economy which is an attractor for inward investment and an enabler for indigenous industry. A low carbon economy is focused on clean, low carbon technologies and promotes the development of sustainable renewable energy sources

Chapter 5 Climate Change sets out the following objectives:

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

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

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

- **Objective EN01** - *To facilitate the achievement of a secure and efficient energy supply and storage for County Wexford.*

- **Objective EN02** - *To promote County Wexford as a low carbon county by 2019 as a means of attracting inward investment and to facilitate the development of energy sources which will achieve low carbon outputs.*
- **Objective EN04** - *To facilitate the provision of and improvements to energy networks in principle, provided that it can be demonstrated that:*
 - *The development is required in order to facilitate the provision or retention of significant economic or social infrastructure*
 - *The route proposed has been identified with due consideration for social, environmental and cultural impacts*
 - *The design is such that will achieve least environmental impact consistent with not incurring excessive cost*
 - *Where impacts are inevitable mitigation features have been included*
 - *Proposals for energy infrastructure should be assessed in accordance with the requirements of Article 6 of the Habitats Directive.*
- **Objective EN07**- *To encourage and favourably consider proposals for renewable energy developments and ancillary facilities in order to meet national, regional and county renewable energy targets and to facilitate a reduction in CO2 emissions and the promotion of a low carbon economy, subject to compliance with development management standards in Chapter 18 and compliance with Article 6 of the Habitats Directive.*
- **Objective EN08** - *To support and assist Wexford County Development Board in implementing the measures contained in Positioning Wexford for the Upturn: Towards Sustainable Growth and Development (Wexford County Development Board, 2010) in relation to developing a sustainable energy supply and promoting County Wexford as a ‘Green County.’*
- **Objective EN10** - *To prepare a Renewable Energy Strategy for County Wexford during the lifetime of the Plan which will build on and support the Wind Energy Strategy 2013-2019, any Climate Change Strategy prepared for the County and the National Renewable Energy Action Plan (Department of Communications, Energy and Natural Resources, 2010).*

- 8.29. **Paragraph 11.3** states that the Council will encourage the development of renewable energy resources and the maximisation of electricity production from renewable sources.
- 8.30. **Chapter 14 Heritage** characterises the appeal site as “**Lowland**”, an area, which is deemed to have a higher capacity to absorb developments. Paragraph 14.4.2 Landscape Character Assessment states *that the Lowland area generally comprises gently undulating lands and relates to extensive areas of the county. This landscape has characteristics which provide it with a higher capacity to absorb development without causing significant visual intrusion. The landscape is characterised by higher population levels and more intensive agriculture. It is punctuated by many of the county’s hills and ridges, the more sensitive of which have been defined as Landscapes of Greater Sensitivity.*
- 8.31. **Chapter 14 Heritage** sets out the following objectives:
- **Objective L04** - *To require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.*
 - **Objective L09** - *To require developments to be sited, designed and landscaped in manner which has regard to the site specific characteristics of the natural and built landscape, for example, developments should be sited, designed and landscaped to minimise loss of natural features such as mature trees and hedging and built features.*
- 8.32. **Draft Wexford County Development Plan 2019-2025**
- 8.33. The draft plan was not available as of date of completion of this report. However the Chief Executive’s Report on the Pre-draft Consultations is available to view on the Council website. It is stated that the Council is committed to the development of a Renewable Energy Strategy, to include solar farms. Section 4 Chief Executive Recommended Policies states that there will be a specific policy in the Development Plan to *prepare a Renewable Energy Strategy that will include policies and objectives for all forms of renewable energy including solar and wind.*

9.0 Natural Heritage Designations

9.1. The site is not located within a designated Natura 2000 site. There are 10 no European sites within 15km of the appeal site as follows:

Special Area of Conservation

- Bannow Bay SAC (000697)
- Ballyteige Burrow SAC (000696)
- Hook Head SAC (000764)
- Slaney River Valley SAC (000781)
- Saltee Islands SAC (000707)
- River Barrow & River Nore SAC (002162)

Special Protection Areas

- Bannow Bay SPA (004033)
- Ballyteige Burrow SPA (004020)
- Keeragh Islands SPA (004118)
- Wexford Harbour & Slobbs SPA (004076)

10.0 Planning Assessment

10.1. The application submitted to the Board on the 11th October 2018 sought permission for an electrical substation and associated works required to connect ground mounted solar PV generation to the electricity transmission system and summarised as follows:

- Construction of 110kV electrical substation comprising of TSO building, wastewater treatment plant holding tank, a TSO compound and various external electrical plant mounted on concrete plinths;
- Laying of approximately 800m of underground 110kV cables;
- Construction of 1 no. new 110kV steel lattice support tower, and;
- Replacement of 1 no. existing 110kV pole set with a new steel lattice tower
- Construction of perimeter steel security fencing;
- Construction of substation access tracks;
- Lightning protection masts

- CCTV cameras
- Temporary construction compound
- Tree planting
- Drainage infrastructure and all associated ancillary site development work

10.2. The construction of the solar farm is expected to take place over a 12 month period. A Natura Impact Statement accompanied the application.

10.3. As discussed previously this substation and associated infrastructure will serve the proposed solar farm located within the townlands of Raheenduff, Haresmead, Rosspile, Coolcliffe, Horetown North, Clongeen, Co Wexford on a site area of approximately 152.8ha for which Highfield Solar Limited applied for 10 year planning permission to Wexford County Council on 18th June 2018 (Reg Ref 20180837 refers). Planning permission was refused on the 10th August 2018 for 6 no reasons as summarised in Section 8.0 above. This decision is the subject of a first party appeal to the Board (ABP Ref 302475-18 refers).

10.4. I agree with Wexford County Council that the development of the solar farm and the substation infrastructure are linked and should not be determined in isolation. Accordingly the solar farm appeal is being considered concurrently with this SID application as there is no justification provided to develop the substation other than to connect the solar farm to the electricity transmission network. It is further noted that the AA Stage 1 Screening Report and NIS accompanying this SID includes within its assessment both the generation asset infrastructure and the grid connection infrastructure.

10.5. For clarity the proposed 110kV substation and associated infrastructure subject of this SID application will hereafter be referred to as “**SID Works**”, the wider solar farm development infrastructure of ABP Ref 302475 (Reg Ref 20180837 refers) will hereafter be referred to as the “**Solar Farm**” and the entire development in combination (i.e. the SID Works and the Solar Farm) will hereafter be referred to as the “**Overall Development**”. It is important to note that the potential impacts of the Overall Development were included as part of the Planning & Environmental Report and Natura Impact Assessment carried out for the Solar Farm application. Together with the Planning & Environmental Report, AA Stage 1 Screening Report and Natura Impact Assessment submitted with the SID Works I am satisfied that the Board has

the necessary information before them to allow for a cumulative assessment of impacts for the Overall Development. I am also satisfied that taken together with my site inspection that there is adequate information available on both files to consider the two proposals concurrently and to enable the Board to determine the impact of the schemes on the biodiversity and ecology of the area.

10.6. It is noted that much of the content of the submissions recorded on this SID Works case focus on the wider development of the solar farm. While both developments are interlinked and should not be determined in isolation it remains that for the purposes of assessment each scheme is considered on its own merits and where appropriate is considered cumulatively or in combination. Therefore much of the commentary pertaining to wider issues is dealt with in the Solar Farm appeal.

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

- Principle / Policy Considerations
- Landscape & Visual Impact
- Environmental Impact Statement
- Appropriate Assessment
- Other Issues:

Principle / Policy Considerations

10.8. As set out previously this a 10 year application for a substation and associated infrastructure that, it is anticipated, will serve the proposed 158 ha solar farm located on the adjoining lands and that is the subject of a first party appeal; ABP Ref 302475-18 refers. It is stated that the applicant has signed a grid connection agreement with Eirgrid for the 110kV infrastructure proposed.

10.9. The need to urgently and strenuously combat climate change is consistent with the identified need for additional renewable energy development and is supported by national and local policy objectives. The National Spatial Strategy, National Renewable Energy Action Plan (NREAP), Regional Planning Guidelines and the current Wexford County Development Plan are considered to be supportive of the

development of renewable energy technology particularly in the context of reducing the carbon emission of the country and meeting renewable energy production targets. The national objective, contained in NREAP, of achieving 40% of electricity generation from renewable sources by 2020 forms part of the national strategy for meeting our legally binding targets in this respect. Thus the contribution of renewable energy projects, such as the adjoining proposed solar farm that will connect to the national grid through this substation, to achieving the transition to a low carbon future is well established. Solar power is also acknowledged as being capable of being delivered relatively quickly and efficiently without the need for large scale transmission grid infrastructure as demonstrated in the limited scale of the substation and associated works proposed in this case. Accordingly the principle of the substation and associated works is acceptable.

10.10. The site is located within an area which is predominantly in use as operational farms engaged in productive agriculture, in the midst of a landscape that is characterised by high quality agriculture. There is no formal land classification system for planning purposes in Ireland. While there is a large ratio of land take to energy output for the overall development the land take for the substation is relatively small and would not of itself represent a significant loss of agricultural land. I am therefore satisfied that the SID works will not have a significant negative impact on land uses at this location.

10.11. There are no special amenity orders impacting on this site. There are no protected structures or architectural conservation areas located on the subject side. There are no known monuments located on the subject site although the area is likely to be of archaeological interest particularly in the area of the underground cabling. In this regard it is recommended that a suitably worded condition be attached whereby the applicant is required to employ a suitably qualified archaeologist in advance of development and that any material found is notified to the Department and that recording of any such material found shall be facilitated.

10.12. I refer to the Outline Construction & Environmental Management Plan submitted with the application. The construction of the proposed development will lead to additional construction traffic, including HGV's, during the construction phase. The construction programme of the SID works is expected to take place over a 6 month period from month 5 to month 10 of the overall developments 12 month construction programme. I am satisfied that the negative impact on traffic and amenity as a result of the

construction and decommissioning phase of this scheme would be temporary in nature and matters of particular concern such as construction traffic management and decommissioning can be dealt with by way of a suitably worded condition.

10.13. As set out above the proposed development is supported by national, regional and local policies in terms of renewable energy. Accordingly, I consider the proposal to be acceptable in principle and that it would contribute to the diversity of sources of energy supply and hence the security of supply. Having regard to the nature of the proposed development I consider it reasonable and appropriate to specify a period of permission in excess of 5 years namely 10 years. Recommended that permission is granted.

Landscape & Visual Impact

10.14. I refer to the Landscape and Visual Impact Assessment (LVIA) which was included in the Planning and Environmental Report together with my site inspection. It is noted that there is no focused assessment on the subject site although it is considered that the assessment of the cumulative impacts is appropriate. Chapter 14 Heritage of the Wexford Development Plan characterises the appeal site as “Lowland”, an area, which is deemed to have a higher capacity to absorb developments.

10.15. As set out in detail previously the SID works provide for the development of a new 110kV electrical substation, fencing to a height of 2.4m and associated 110kV and MV infrastructure. The proposed substation will connect the proposed ground mounted solar PV farm directly to the electricity transmission system via the existing 110kV overhead line which traverses the site. Connection to the existing overhead lines will involve the construction of 1 no. new 110kV steel lattice support tower and the replacement of 1 no. existing 110kV pole set with a new steel lattice tower. This approach will eliminate the need for the construction of a long grid connection network to the nearest transmission substation and thus negate any associated visual and environmental impacts and disruptions on the existing road network through which a new grid connection route would otherwise have to travel.

10.16. I am satisfied that the potential to generate visual impacts has been well considered and reduced. Having regard to the location and set back of the proposed substation from the public road, the topography of the site and screening proposed together with the minimal physical intervention required to facilitate a connection to the grid in terms of both the new and replacement 110kV lattice tower that the SID works will be well

screened and duly absorbed within the prevailing rural landscape pattern and that no significant negative visual impact would arise from this development.

10.17. Further I am satisfied that the proposed SID Works would have a minimal impact on the overall application site area as it is for the most part consolidated within the existing hedgerow network and will not require significant excavation works to facilitate the substation and associated infrastructure. Recommended that permission is granted.

Other Issues

10.18. **Residential Amenity** – It is considered that the potential impact on residential amenity including noise will be minimal given the low density of residential development, in the area proximate to the SID works the separation distances between the SID works and adjacent dwellings and the scale and nature of the SID works.

10.19. **Noise Levels** - Potential temporary nuisance to the local population during project works may occur particularly in terms of noise and traffic. I am satisfied that the matters can be dealt with by way of condition restricting and monitoring noise levels during the construction phase of the development.

10.20. **Flooding** – Having regard to the Planning and Environmental Report submitted with the application I am satisfied that the site has been designed to ensure the boundary is not within any portion of the OPW Preliminary Flood Risk Assessment 1 in 100 year fluvial flood extents.

10.21. **CCTV** – The application also includes for the provision of CCTV cameras with a stated maximum height of 5m. Should the Board be minded to grant permission it is recommended that a condition be attached requiring that their location within the compound be agreed and that the CCTV cameras are fixed and angled to face into the site and shall not be directed towards adjoining property or the road in order to protect residential amenity.

10.22. **Operational Life** - An operational period of 30 years is requested for the Solar Farm development. An equivalent minimum period is therefore required for the SID Works infrastructure. However an operational life of 25 years is considered reasonable having regarded the scale and nature of the scheme and it is recommended that a suitably worded condition be attached re same.

- 10.23. **Decommissioning & Site Reinstatement** – The proposed solar farm is considered to be temporary in nature, with an operational lifetime of 25 years (as recommended). Compared to other power generation technologies, solar farms can be easily and economically decommissioned and removed from the site allowing for its full reinstatement to its original condition for reuse as wither pasture or arable land. I consider it appropriate if a bond was fixed prior to any grant to ensure the cost of decommissioning is not borne by the Council. I recommended that the requirement for a financial bond is attached by way of a suitably worded condition to secure the decommissioning of the solar farm.
- 10.24. **Development Contribution** - Wexford County Council has adopted a Development Contribution scheme; Wexford County Council Planning Authority Area Development Contribution Scheme 2018, under Section 48 of the Planning and Development Act 2000 (as amended). I have considered the sections entitled “Exemptions” and “Incentives (Discounting / Credit)”. The proposed development does not fall under the exemptions / incentives listed in this scheme. Accordingly, it is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.
- 10.25. **Community Gain** – Wexford County Council recommend that a one off payment of €100,000 be paid to the Council to be managed and ring fenced for community development is in the local area. It is recommended that should the Board be minded to grant permission that a condition be attached requiring the submission of the community gain proposals for written agreement with the Local Authority.
- 10.26. **Environmental Impact Assessment Screening** - Under the Planning and Development Regulations 2001 (as amended), current government and EU guidance, the Planning Authority must screen the proposed development for Environmental Impact Assessment (EIA) and decide if the planning application for the proposed development does or does not require the preparation of an Environmental Impact Assessment Report (EIAR). The current requirements for EIA are outlined in Part X of the Planning and Development Act, 2000, as amended and Part 10 of the Planning and Development Regulation 2001, as amended. The prescribed classes of development and thresholds that trigger a mandatory EIS are set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No element of the

proposed development falls into a class of development contained in Schedule 5, Parts 1 or 2. The proposed development does not therefore constitute sub-threshold and neither mandatory EIA nor screening for EIS is required.

10.27. **Legal Matters** – I note the observer’s submission that in making its decision the Board must take into consideration (1) the Advocate General’s Opinion in Case C-461/17 (Brian Holohan and others v An Bord Pleanála), (2) the Judgement of the CJEU in Case C-323/17 (People over wind and Peter Sweetman v Coillte Teoranta), (3) the Judgement of the CJEU in Case C-164/17 (Edel Grace and Peter Sweetman v An Bord Pleanála) and the cumulative effects with ABP-302475-18. The Board will be aware of these judgements which addressed specific matters regarding Environmental Impact Assessment and Appropriate Assessment. The observer did not indicate any specific areas of concern in relation to conclusions reached in the AA Screening (Stage 1) or Natura Impact Statement (Stage 2). In this current case, I am satisfied that regard has been had to the relevant matters raised in the judgements in the assessment at Section 9.0 below. I also note the reference to O’Grianna v An Bord Pleanála in terms of cumulative environmental impacts and project splitting. This relates to EIA cases only and is not therefore relevant to this SID Case.

11.0 **Appropriate Assessment**

11.1. **Stage 1 Screening for Appropriate Assessment**

11.2. The application included an Appropriate Assessment Stage 1 Screening Report and a Natura Impact Assessment *to evaluate the potential impacts(s) of the proposed Rosspile Solar Farm on the European Sites located within 15km radius*. There are 10 no European sites within 15km of the Solar Farm site as follows:

Special Area of Conservation

- Bannow Bay SAC (000697)
- Ballyteige Burrow SAC (000696)
- Hook Head SAC (000764)
- Slaney River Valley SAC (000781)
- Saltee Islands SAC (000707)
- River Barrow & River Nore SAC (002162)

Special Protection Areas

- Bannow Bay SPA (004033)
- Ballyteige Burrow SPA (004020)
- Keeragh Islands SPA (004118)
- Wexford Harbour & Slobbs SPA (004076)

- 11.3. The report sets out the conservation objectives for all the European sites identified. All of the proposed works take place outside the SACs and SPAs and therefore there are no direct effects on the integrity of these European Sites. However it is noted that the subject site is located 300m from the Banow Bay SAC and that a stream running along the south eastern boundary connects to this designated Natura 2000 site. Since the entire proposed development is outside the European Sites but within the catchment area of these sites there is potential for significant indirect effects on the sites arising from contaminant in surface water.
- 11.4. Ballyteigue Burrow SAC, Slaney River Valley SAC, Saltee Islands SAC and River Barrow and River Nore SAC are not hydrologically linked to the proposed solar farm. Ballyteigue Burrow SAC (8.4km southwest) is designated solely for habitats occurring within its boundaries. Slaney River Valley SAC, River Barrow and River Nore SAC and Saltee Islands SAC are designated for habitats and species occurring within their boundaries as well as mobile species, however, due to the distances involved (13-14km) and the lack of hydrological connections, mobile species residing within these European Sites are deemed unlikely to use the proposed development site and its surrounds. In the case of Saltee Islands SAC there are no suitable habitats in the locality of the proposed development for the mobile species in question; Grey Seals.
- 11.5. Bannow Bay SPA and Hook Head SAC require assessment due to the fact that they respectively overlap and lie adjacent to Bannow Bay SAC and as such the conservation interests of the European sites must be considered in conjunction. However Hook Head SAC is not hydrologically connected to the proposed development site and is designated solely for terrestrial and tidal habitats occurring within its boundaries. As such no potential impacts to this European site are envisaged.
- 11.6. Taking these factors into consideration, together with an examination of the Appropriate Assessment Stage 1 Screening Report and a Natura Impact Assessment

submitted with the application, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separating distances and functional relationship between the proposed works and the European Site, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, the potential impacts to these 5 no European sites:

- Ballyteige Burrow SAC (000696)
- Hook Head SAC (00764)
- Slaney River Valley SAC (000781)
- Saltee Islands SAC (000707) and
- River Barrow & River Nore SAC (002162)

are excluded from further consideration.

11.7. Having regard to the material submitted with the application, the conservation objectives for which these 5 sites have been designated, the absence of a source-pathway-receptor connection and separation distances between the European Sites and the application site I consider that it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Ballyteige Burrow SAC (000696), Hook Head SAC (00764), Slaney River Valley SAC (000781), Saltee Islands SAC (000707) and River Barrow & River Nore SAC (002162) and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required in relation to these sites.

11.8. The AA Screening report addressed the remaining 5 no European Sites:

- Bannow Bay SAC (000697)
- Bannow Bay SPA (004033)
- Ballyteige Burrow SPA (004020)
- Keeragh Islands SPA (004118)
- Wexford Harbour & Slobbs SPA (004076)

and having regard to the qualifying interests for which these sites were designated it was concluded that significant effects on water quality, spread of invasive species and the use of adjacent lands as feeding and roosting areas for Wetlands and Water Birds could not be ruled out and that the submission of an NIS and carrying out of an AA was necessary in this instance.

11.9. On the basis of the information provided with the application I recommend that it cannot be concluded that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on Bannow Bay SAC (000697), Bannow Bay SPA (004033), Ballyteige Burrow SPA (004020), Keeragh Islands SPA (004118) and Wexford Harbour & Slobs SPA (004076) and that submission of an NIS and carrying out of an Appropriate Assessment is necessary.

11.10. Stage 2 Appropriate Assessment

11.11. The conservation Objectives and Qualifying Interests including any relevant attributes and targets for the relevant 5 sites are set out below:

Natura 2000 Site & Conservation Objective	Qualifying Interest
<p>Bannow Bay SAC (000697)</p> <p><i>To maintain or restore the favourable conservation condition of the Annex I Habitat(s) and / or Annex II Species for which the SAC has been selected</i></p>	<p>Estuaries</p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Annual vegetation of drift lines</p> <p>Perennial vegetation of stony banks</p> <p><i>Salicornia</i> and other annuals colonizing mud and sand</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>)</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>Mediterranean and thermo-Atlantic halophilous scrubs (<i>Sarcocornetea fruticosi</i>)</p> <p>Embryonic shifting dunes</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes')</p> <p>Fixed coastal dunes with herbaceous vegetation ('grey dunes')</p>
<p>Bannow Bay SPA (004033)</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>Shelduck (<i>Tadorna tadorna</i>)</p> <p>Pintail (<i>Anas acuta</i>)</p>

<p><i>To maintain or restore the favorable conservation condition of the Bird Species, Assemblages and Wetland Habitats listed as Special Conservation Interests for the SPA</i></p>	<p>Oystercatcher (<i>Haematopus ostralegus</i>) Golden Plover (<i>Pluvialis apricaria</i>) Grey Plover (<i>Pluvialis squatarola</i>) Lapwing (<i>Vanellus vanellus</i>) Knot (<i>Calidris canutus</i>) Dunlin (<i>Calidris alpina</i>) Black-tailed Godwit (<i>Limosa limosa</i>) Bar-tailed Godwit (<i>Limosa lapponica</i>) Curlew (<i>Numenius arquata</i>) Redshank (<i>Tringa totanus</i>) Wetland and Waterbirds</p>
<p>Ballyteige Burrow SPA (004020)</p> <p><i>To to maintain or restore the favorable conservation condition of the Bird Species, Assemblages and Wetland Habitats listed as Special Conservation Interests for the SPA</i></p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) Shelduck (<i>Tadorna tadorna</i>) Golden Plover (<i>Pluvialis apricaria</i>) Grey Plover (<i>Pluvialis squatarola</i>) Lapwing (<i>Vanellus vanellus</i>) Black-tailed Godwit (<i>Limosa limosa</i>) Bar-tailed Godwit (<i>Limosa lapponica</i>) Wetland and Waterbirds</p>
<p>Keeragh Islands SPA (004118)</p> <p><i>To maintain or restore the favorable conservation condition of the Bird Species listed as Special</i></p>	<p>Cormorant (<i>Phalacrocorax carbo</i>)</p>

<p><i>Conservation Interests for the SPA.</i></p>	
<p>Wexford Harbour & Slob SPA (004076)</p> <p><i>To maintain or restore the favorable conservation condition of the Bird Species, Assemblages and Wetland Habitats listed as Special Conservation Interests for the SPA.</i></p>	<p>Little Grebe (<i>Tachybaptus ruficollis</i>)</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>)</p> <p>Cormorant (<i>Phalacrocorax carbo</i>)</p> <p>Grey Heron (<i>Ardea cinerea</i>)</p> <p>Bewick's Swan (<i>Cygnus columbianus bewickii</i>)</p> <p>Whooper Swan (<i>Cygnus cygnus</i>)</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>Shelduck (<i>Tadorna tadorna</i>)</p> <p>Wigeon (<i>Anas penelope</i>)</p> <p>Teal (<i>Anas crecca</i>)</p> <p>Mallard (<i>Anas platyrhynchos</i>)</p> <p>Pintail (<i>Anas acuta</i>)</p> <p>Scaup (<i>Aythya marila</i>)</p> <p>Goldeneye (<i>Bucephala clangula</i>)</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>)</p> <p>Hen Harrier (<i>Circus cyaneus</i>)</p> <p>Coot (<i>Fulica atra</i>)</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>Golden Plover (<i>Pluvialis apricaria</i>)</p> <p>Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>Lapwing (<i>Vanellus vanellus</i>)</p> <p>Knot (<i>Calidris canutus</i>)</p> <p>Sanderling (<i>Calidris alba</i>)</p> <p>Dunlin (<i>Calidris alpina</i>)</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>)</p>

	<p>Curlew (<i>Numenius arquata</i>)</p> <p>Redshank (<i>Tringa totanus</i>)</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>)</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>)</p> <p>Little Tern (<i>Sterna albifrons</i>)</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)</p> <p>Wetland and Waterbirds</p>
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11.12. As discussed all of the proposed works take place outside the foregoing Natura 2000 sites and therefore there are no direct effects on the integrity of any of the European site.

11.13. Since the entire proposed development is outside the SAC but within the catchment of the Bannow Bay SAC there is potential for significant indirect effects on the SAC arising from contaminants in surface water. Further this SAC overlaps with Bannow Bay SPA. The stream along the south eastern boundary of the site connects to the designated Natura 2000 site. Therefore there is a surface water linkage between the proposed development site and Bannow Bay SAC and Bannow Bay SPA. Table 3-3 of the Natura Impact Statement provides an assessment of the potential impacts of the proposed project either alone or in combination with other plans or projects on Natura 2000 sites. The key findings relevant to the SID Works are summarised as follows:

- Potential for sedimentation or contamination (fuel, lubricants or cement) of the drainage ditches and watercourses within and adjacent to the proposed development site to have negative impacts on water quality to either the Bannow Bay SAC and / or Bannow Bay SPA.
- Potential impacts on Bannow Bay SPA, Wexford Harbour & Slobbs SPA, Ballyteigue SPA and / or Keeragh Islands SPA via disturbance and / or displacement of key species from feeding habitat as a result of the proposed development.

- Potential for impacts arising from untreated wastewater discharges during the construction and operational phase to either the Bannow Bay SAC and / or Bannow Bay SPA in the absence of suitable measures exists.
- Potential introduction of invasive species into Bannow SPA and / or Bannow SPA in the absence of appropriate mitigation measures via transport of stem or rhizome material resulting in reductions in water quality caused by increase bank erosion, alterations in habitat assemblages and structures and / or alteration to wetland bird feeding / roosting habitats via invasive species.

11.14. A wetland bird survey was carried out between November 2017 and March 2018 to determine whether or not wetland species use the intensively managed agricultural fields within the overall development boundary. Bird species recorded within the study are set out in Table 4-1 of the NIS. The survey results indicate that while all of the wetland species observed regularly use and area of the Corock floodplain in the vicinity of the proposed overall development, and occasionally occur along the river in other areas, their use of fields within the overall development site itself is rare. The fields within the overall development site are well drained and intensively managed for agriculture and as such they are of little value to wintering wetland bird species which favour the wetland habitats within the River Corock floodplain. Therefore it is considered that the proposed SID Works would not lead to any significant loss of potential feeding or roosting habitat for wetland bird species, including those which are of Special Conservation Interest (SCI) for the 4 no SPAs (Bannow Bay SPA, Ballyteigue Burrow SPA, Keeragh Islands SPA, and Wexford Harbour and Slobs SPA)) under consideration are designated.

11.15. Detailed environmental protection measures are set out in Table 4.9 of the NIS as part of the substation and grid connection development. Key design features in relation to water quality to be implemented prior to construction to reduce the potential habitat loss within the site and minimise the level of and risk of sediment runoff, pollutants or contaminants reaching Bannow Bay SAC and Bannow Bay SPA include inter alia a 10m buffer zone around natural watercourses, construction management procedures, material storage, silt fencing, capping of roads, provision of settlement ponds, design and installation of fuel tanks refuelling procedures as well as the following specific to the SID Works:

- A buffer of 5m along the south-eastern boundary of the substation compound between the compound and the adjacent drainage ditch running downhill towards the River Corock will be maintained; silt traps will be positioned to intercept any runoff from the compound and silt traps will also be installed within the drainage ditch downhill of the compound as an extra precaution.
- Standing water in the excavation will contain an increased concentration of suspended solids as a result of the disturbance to the underlying soils. The excavation will be pumped into temporary settlement basins which will discharge to diffuse overland flow. The settlement ponds will be constructed in advance of any excavations.
- Cables will be installed in trenches adjacent to the site access roads, or laid within the access road line, where required. Trenches will be excavated during dry periods where possible in short sections and left open for minimal periods, to avoid acting as a conduit for surface water flows. Bunds will be constructed within the cable trench at regular intervals.
- Limited wet concrete operations are envisaged for this site for the proposed substation and battery array; the substation is adjacent to a drainage ditch which is hydrologically connected to the Corock River. The concrete wash out area will be located within the site compound. Concrete chutes will only be washed out on-site at designated washout areas. Drums shall be washed out off site. The concrete washout area shall be a minimum of 100m from drainage ditches / waterbodies and a bunded area lined with an impermeable material to prevent spillage or seepage.

11.16. In relation to waste water and invasive species the following design features are included:

- To avoid any risk of groundwater contamination resulting from the foul drainage for the site, portaloos and / or containerised toilets and welfare units will be used to provide toilet facilities for site personnel. Sanitary waste will be removed from site via a licensed waste disposal contractor.
- In relation to invasive species to prevent spread a cordoned off 7m exclusion zone and warning signage will be put in place prior to construction activities in the vicinity and no excavation will be allowed to take place within this buffer zone. There will be yearly foliar application of glyphosate in autumn with

ongoing monitoring to measure the effectiveness of this treatment. A permanent cordon and signage surrounding Rhododendron will be left in place during the operational phase to prevent accidental spread during maintenance operations.

- Further a suitably qualified Ecological Clerks of Works will be appointed by the developer to ensure the effective operation and maintenance of drainage and other mitigation measures during the construction process.

11.17. Design features to be implemented during the operational phase to reduce the risk of pollutants reaching Bannow Bay SAC and Bannow Bay SPA include inter alia:

- The foul water from sanitary facilities at the substation will be collected and treated in a suitably designed holding tank in the compound. It is stated that the holding tank shall be required to serve an occupancy of up to four people and shall be emptied by a license waste contractor as required. No oils or fuels will be stored at the substation compound.
- A monitoring programme will be established to ensure the water quality is maintained.
- Within the main development visual inspection of drains and outfalls form interceptor drains will be performed during the construction period to ensure suspended solids are not entering the River Corock.
- An Ecological Clerk of Works will be appointed to ensure that the mitigation measures prescribed are adhered to.

11.18. As set out above the applicant proposes a suite of measures aimed at reducing potential effects on water quality and invasive species during the construction phase. I am satisfied that the SID Works would not cause changes to the key indicators of conservation value, including water quality, hence there is no potential adverse impact to occur on either species or habitat associated with the Bannow Bay SAC (000697), Bannow Bay SPA (004033), Ballyteige Burrow SPA (004020), Keeragh Islands SPA (004118) and Wexford Harbour & Slobbs SPA (004076).

11.19. Having regard to the foregoing no direct or indirect significant impacts are expected to ensue from the proposed programme of works to be conducted at the SID Works site. A description of the in-combination effects is set out in Section 4.6 of the NIS and

include Development Management Plans, Agriculture and other developments including permitted solar farms in the wider area.

11.20. As discussed previously this substation and associated infrastructure will serve the proposed adjoining solar farm comprising a site area of approximately 152.8ha for which Highfield Solar Limited applied for 10 year planning permission to Wexford County Council on 18th June 2018 (Reg Ref 20180837 refers) and is now the subject of an appeal (ABP Ref 302475 refers). The SID Works are located within the main Rosspile subsite of this scheme. Both applications included an Appropriate Assessment Stage 1 Screening Report and a Natura Impact Assessment to evaluate the potential impacts(s) of the overall development (Solar Farm and SID Works) on the European Sites located within 15km radius. Key design features in relation to water quality and invasive species to be implemented prior to construction in both developments to reduce the potential habitat loss within the site and minimise the level of disturbance (e.g excavation, vegetation clearance, trampling etc) and risk of sediment runoff, pollutants or contaminants reaching Bannow Bay SAC and Bannow Bay SPA have been included.

11.21. Taking into consideration the extensive mitigation measures detailed in Table 4-9 of the NIS, based on best scientific evidence, there is no predicted in-combination impact on Bannow Bay SPA and Bannow Bay SAC. With the implementation of the mitigation measures the proposed development either alone or in combination with the other plans and projects will not adversely affect the relevant European Sites, having regard to the sites' conservation objectives.

11.22. It is considered, therefore, bearing in mind the scope, scale, nature, size and location of the project, the impacts identified and the sensitivities of the ecological receptors for which the sites are designated, that there is no potential for synergistic interaction between the proposed works, and the activities identified, that would create any significant in combination impacts. I am satisfied that no in-combination impacts arise.

11.23. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Bannow Bay SAC (000697), Bannow Bay SPA (004033), Ballyteige Burrow SPA (004020), Keeragh Islands SPA (004118)

and Wexford Harbour & Slob SPA (004076) or any other European site, in view of the site's Conservation Objectives.

11.24. I am satisfied that an examination of the potential impacts has been analysed and evaluated using the best scientific knowledge. Significant effects on Natura 2000 sites were identified. Where potential adverse effects were identified, key design features are prescribed to remove risks to the integrity of the European sites. I am satisfied based on the information available that if the key design features are undertaken, maintained and monitored as detailed in the NIS, adverse effects on the integrity of Natura 2000 sites will be avoided.

12.0 Conclusion

12.1. In conclusion:

- The proposal, constitutes a strategic infrastructural development that accords with and will advance national, regional and local policies and objectives in terms of energy provision and security of supply and the advancement and development of the this area
- With regard to landscape and visual amenity the proposal does not traverse or abut landscapes designated as being of scenic importance and whilst the 2 new 110kV steel lattice supports will have a visual impact albeit slight, it is also considered that the carrying capacity of the receiving environment, which is considered robust, is more than sufficient to absorb the nature and scale of the proposal without significant adverse effect.
- The negative impact on traffic and amenity as a result of the construction and decommissioning phase of this scheme would be temporary in nature. The impact associated with operational traffic is considered negligible.
- The proposal would not impact on any known archaeological site and appropriate pretesting and monitoring should ensure against any adverse impacts.
- A detailed appraisal of ecology was undertaken as detailed in the Appropriate Assessment Report and Natura Impact Statement submitted with the application. The proposal does not traverse, or is it adjacent to any site designated as being of ecological importance.

- It is concluded that based on the information available the proposed development either individually or in combination with other plans and projects would not be likely to have a significant effect on any European site having regard to the conservation objectives of those sites
- Subject to the implementation of the best construction practises and methodologies as set out in the applicant's planning and environmental report I am satisfied that there will not be a likely significant adverse impact on the receiving environment
- Having regard to the foregoing and It is recommended that the Board approve the proposed development under Section 182B of the Planning and Development Act 2000 as amended in accordance with the said plans and particulars lodged for the following reasons and considerations subject to conditions.

13.0 Recommendation

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

14.0 Reasons and Considerations

Having regard to:

- the nature, scale and extent of the proposed development,
- the decisions made in respect of an appropriate assessment,
- the national targets for renewable energy contribution of 40% gross electricity consumption by 2020
- national and local policy support for developing renewable energy, in particular the:-
 - Government's Strategy for Renewable Energy, 2012-2020,
 - National Planning Framework, 2018,

- Delivering a Sustainable Energy Future for Ireland - the Energy Policy Framework, 2007-2020,
- Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure 2012,
- Regional Planning Guidelines for the South East Region 2010-2022
- Objective EN07 of the Wexford County Development Plan, 2013-2019,
- the location of the proposed development within moderate grade agriculture land and within a Lowlands Landscape Character Unit as set out in the Development Plan,
- the distance to dwellings or other sensitive receptors from the proposed development
- the planning history of the immediate area including proximity to the Rosspile Solar Array (An Bord Pleanála Reference 302475-18 (Wexford County Council Planning Reg Ref 20180837)). This development will serve as the grid connection for this generating asset infrastructure.
- the submissions on file including those from prescribed bodies and the Planning Authority
- the documentation submitted with the application, including the Appropriate Assessment Screening Statement, Natura Impact Statement and the Planning and Environmental Report
- the report of the Planning Inspector
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites.

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

- not have an unacceptable impact on the character of the landscape or on the cultural or archaeological heritage,
- not seriously injure the visual and residential amenities of the area,

- be acceptable in terms of public health, traffic safety and convenience,
- not have an unacceptable impact on the ecology,
- make a positive contribution to Ireland's requirements for renewable energy, and
- be in accordance with:-
 - Government's Strategy for Renewable Energy, 2012-2020,
 - the National Planning Framework, 2018 and
 - Objective EN07 of the Wexford County Development Plan, 2013-2019.

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

14.1. **Appropriate Assessment Stage 1**

14.2. The Board considered the Screening Report for Appropriate Assessment, the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European sites. The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site and considered the nature, scale and location of the proposed development, as well as the report of the Inspector.

14.3. The Board agreed with the screening report submitted with the application and with the screening exercise carried out by the Inspector. The Board concluded that, having regard to the qualifying interests for which the sites were designated and in the absence of a hydrological connection between the application site and the European Sites that Ballyteige Burrow SAC (000696), Hook Head SAC (000764), Slaney River Valley SAC (000781), Saltee Islands SAC (000707) and River Barrow & River Nore SAC (002162) could be screened out from the further consideration and that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effects on these European Sites or any other European Sites in views of the sites conservation objectives and that a Stage 2 appropriate assessment is therefore not required in relation to these European Sites.

14.4. **Appropriate Assessment Stage 2**

- 14.5. The Board considered the Natura Impact Statement and all other relevant submission and carried out an appropriate assessment of the implications of the proposed development for Bannow Bay SAC (000697), Bannow Bay SPA (004033), Ballyteige Burrow SPA (004020), Keeragh Islands SPA (004118) and Wexford Harbour & Slob SPA (004076) in view of the sites conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.
- 14.6. In completing the assessment, the Board considered the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, the mitigation measures which are included as part of the current proposal and the Conservation Objectives for this European Site. In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspectors report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the sites' Conservation Objectives.
- 14.7. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Bannow Bay SAC (000697), Bannow Bay SPA (004033), Ballyteige Burrow SPA (004020), Keeragh Islands SPA (004118) and Wexford Harbour & Slob SPA (004076) or any other European Site in view of the sites Conservation Objectives.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars including the mitigation measures specified in the Planning & Environmental Report, lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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. All of the environmental, construction and ecological mitigation measures set out in the Planning and Environmental Report including the Natura Impact Statement, and other particulars submitted with the application shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

4. a) The permission shall be for a period of 25 years from the date of the commissioning of the Rosspile Solar Array (An Bord Pleanála Reference 302475-18 (Wexford County Council Planning Reg Ref 20180837)). The substation 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 substation and all related ancillary structures, including all foundations, CCTV cameras and fencing to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.
- c) On full or partial decommissioning of the Rosspile Solar Farm, or if the solar farm ceases operation for a period of more than one year, the substation and all related ancillary structures and 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

- 5. a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road. Their location within the compound shall be agreed with the Planning Authority prior to commencement of work on site.
- a) Cables within the site shall be located underground.
- b) The substation and all related ancillary structures shall be dark green in colour.

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

- 6. Prior to the commencement of development, the developer shall submit a finalised Invasive Species Management Plan for the written agreement of the Planning Authority. This plan shall include updated details of invasive species surveys, the location of such species, and the proposed method of managing these species during the construction and operational phase of the development.

Reason: To ensure that the spread of invasive species is minimised.

7. 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:

- a) the nature and location of archaeological material on the site, and
- b) 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.

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

Reason: In the interest of public health.

9. All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the

operative period of the solar farm as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

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

10. The applicant shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, the NPWS and Inland Fisheries Ireland. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

Reason: To protect the environmental and natural heritage of the area.

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
 - a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse
 - b) location of areas for construction site offices and staff facilities
 - c) details of site security fencing and hoardings
 - d) details of on-site car parking facilities for site workers during the course of construction
 - e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
 - f) measures to obviate queuing of construction traffic on the adjoining road network,
 - g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,

- h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- i) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,
- j) off-site disposal of construction / demolition waste and details of how it is proposed to manage excavated soil
- k) details of on-site re-fuelling arrangements, including use of drip trays,
- l) details of how it is proposed to manage excavated soil,
- m) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.

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

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

12. a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:
- (i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour.]
 - (ii) An LAeqT value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996

1, 2 or 3 “Description and Measurement of Environmental Noise” as applicable.

Reason: To protect the amenities of property in the vicinity of the site.

13. All road surfaces, culverts, watercourses, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to ensure a satisfactory standard of development.

14. 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

15. Prior to the commencement of development, the community gain proposals shall be submitted to planning authority for their written agreement.

Reason: In the interest of the proper planning and sustainable development of the area

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or Intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation

provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Mary Crowley

Senior Planning Inspector

9th April 2019