



An
Bord
Pleanála

Inspector's Report ABP-305289-19

Development	Solar PV energy development
Location	Ballymoney, Arklow, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	19/627
Applicant(s)	BNRG Neoen Holdings Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	James Kavanagh
Observer(s)	None
Date of Site Inspection	3 rd January 2020
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of c. 19.16 hectares is located in the townland of Ballymoney, c. 1.3km to the north of Arklow town, Co. Wicklow. The site is comprised of a parcel of land made up of five individual fields.
- 1.2. The site comprises of agricultural land. The general area is characterised by one off housing and agricultural holdings. The land has an undulating topography ranging from 37m to 49m OD. The site is accessed to the south-west via its own access at the end of a cul-de-sac, which is connected to Junction 20 roundabout off the M11 motorway. The site is bounded to the north-west by the M11.

2.0 Proposed Development

- 2.1. The proposed development would consist of a Solar PV Energy Development with an export capacity of 7MW and would broadly comprise of the following:
 - A site of c. 19 hectares with solar panels coving an area up to c. 9.8ha on ground mounted steel frames
 - Installation of up to 3 No. inverter/ transformer stations
 - Construction of internal service trackways and temporary trackways and associated drainage infrastructure
 - 1 No. substation
 - Underground internal site power and communications cabling
 - Perimeter security fencing
 - CCTV cameras
 - Preparation of screening and ecology/ biodiversity enhancement areas made up of new hedgerow/ tree screening belts, enhancement of existing hedgerows, enhanced arable meadow planting and the provision of bat and bird boxes and insect holes
 - Associated ancillary works
 - Temporary site compound and temporary drainage infrastructure

- An indicative grid route to Arklow 220KV substation is indicated in Figure 2.2 of the Planning and Environment Report. The grid connection does not form part of the application.
- Section 1.5 requests that the duration of the permission is for a period of 10 years.
- Section 1.6 requests an operational period of 30 years.
- The planning application was accompanied by a planning and environment report, a planning statement, an appropriate assessment screening report and a book of photomontages.

3.0 Planning Authority Decision

3.1. Decision

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

Condition 2: The period during which the development hereby permitted may be carried out shall be 10 years from the date of the final grant.

Condition 3: This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Condition 4: required a revised layout showing the relocation of the substation from within the 20m setback line of the M11.

Condition 5A: provided for a 25 year operational period.

Condition 7: required a security bond of €25,000 for the reinstatement of lands to agricultural use.

Condition 10: required any gaps in the hedgerow on the M11 to be enhanced with native trees and shrubs.

Condition 13: required an archaeological appraisal of the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The planner's report considers that the development description is sufficient to inform members of the public as to the development of a solar farm at this location. It is not considered that the solar farm is subject to Environmental Impact Assessment. The planner's report considered that Further Information was required in relation to a number of matters including visual impact, 20m setback from M11, potential impact arising from loss of agricultural lands, and clarification in relation to land ownership.

3.2.3. Comments from the Senior Engineer in Planning at the end of the planner's report recommended permission subject to conditions.

3.2.4. Other Technical Reports

Area Engineer: No objection subject to condition.

Roads: No objection subject to conditions.

Environment: No objection subject to conditions.

3.3. Prescribed Bodies

Irish Aviation Authority: No observations on this application (18/06/19)

Transport Infrastructure Ireland: No observations on this application (20/06/19)

3.4. Third Party Observations

A total of 2 No. third party observations were submitted to the Planning Authority. The items raised are similar to those raised in the grounds of appeal. In addition, concern is expressed in relation to the impact on security from CCTV cameras.

4.0 Planning History

Relevant applications for solar farms in close proximity to the site include the following:

PA 16/1285

Permission granted for solar farm with a site area of 21.5 ha at Coolboy, Kilbride, Co. Wicklow.

PA 17/1497/ ABP 301726-18

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

PA 17/1440/ ABP 302037-18

Permission granted by Planning Authority and on appeal by the Board for a solar farm with a site area of approximately 58.9 hectares in the townlands of Ballincklea, Ballyrichard, and Templeraíney, Arklow, Co. Wicklow.

2019/ 223 JR

The decision of the Board on ABP 302037-18 was the subject of judicial review by the current appellant, Mr. James Kavanagh. The main issue related to the contention that the provisions of the Planning and Development Regulations and /or the Environmental Impact Assessment Directive required an EIA to be carried out in respect of the development. The judgement of Mr. Justice Brian O' Moore delivered

on the 29th day of May, 2020 found that solar farms do not fall within the classes of projects listed in Annex I or Annex II of the 2014 Directive.

PA 16/176/ ABP PL 27.246527

Permission refused by Planning Authority and granted on appeal to the Board for a solar farm in the townland of Ballycooleen, Avoca, Co. Wicklow.

PA 19/688/ ABP 305395-19

Permission refused by Planning Authority and by the Board on appeal for a solar farm at Killiniskyduff, Arklow, Co. Wicklow. The reasons for refusal related to zoning of land as OS2- Open Space and contravention of Objective HT8 of the Local Area Plan to facilitate the development and enhancement of green infrastructure resources.

5.0 Policy Context

5.1. Development Plan

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

Chapter 9 – refers to Infrastructure.

Solar Energy

The principal application of solar energy is use in heating. Therefore this aspect of solar power is addressed in Section 5 to follow. However, as technology advances, solar power is increasingly being used to generate electricity through the use of photovoltaic (PV) cells. Photovoltaic systems use semiconductor materials to convert light into electricity. This technology is widely used in consumer products such as solar calculators, watches or garden lights, and is increasingly used as a cost-effective solution in Ireland for stand-alone applications where a grid connection is too expensive (e.g. parking meters, caravans or remote holiday homes). Solar PV can also be used to provide free solar electricity to houses as well as for commercial and industrial applications. It is now possible to connect solar PV systems to the grid,

opening up a new era for solar PV in Ireland. Applications are also being made for commercial scale ground mounted solar PV ‘Solar Farms’ and such developments are supported, subject to suitable locations being selected and environmental criteria being satisfied.

Solar Energy Objectives

CCE9 -To facilitate the development of solar generated electricity.

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

5.2. National Policy

5.2.1. National Policy Objective 55 – ‘Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.’

5.3. Natural Heritage Designations

There are 5 No. European sites within 15km of the proposed development as follows:

- Buckroney-Brittis Dunes and Fen SAC
- Kilpatrick Sandhills SAC
- Magherabeg Dunes SAC
- Deputy’s Pass Nature Reserve SAC
- Vale of Clara SAC

5.4. EIA Screening

5.4.1. Schedule 5 of the Planning and Development Regulations, 2001 as amended, sets out Annex I and Annex II projects which mandatorily require an Environmental Impact Assessment Report (EIAR). Part 1, Schedule 5, outlines the classes of development that require EIAR and Part 2, Schedule 5 outlines classes of developments that require EIAR but are subject to thresholds. Solar farms are not listed as a class of development under either Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, and therefore, I conclude that a mandatory EIA, and the submission of an EIAR, is not required. There are projects under No. 3 of Part 2, 'Energy Projects' which relate to energy production, but I suggest that none of these listed projects would be applicable to a solar farm as currently proposed. The Board will note that a similar conclusion has been reached in relation to previously decided solar farm developments.

6.0 The Appeal

6.1. Grounds of Appeal

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

- Notices fail to adequately describe development.
- No details of grid connection.
- Failure to conduct the Stage 1 Appropriate Assessment adequately.
- The development is of a size and scale that requires an EIA.
- The applicant applied for a 10 year permission however the planning authority granted a 30 year permission.
- The points made in the planner's report in relation to Further Information were valid.

6.2. Applicant Response

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

- It is considered that the site notices comply with the requirements. An indicative grid route connection has been submitted.
- It is considered that the drawings submitted comply with the requirements.
- The electrical cabling referred to is the internal electrical cabling.
- The applicant originally erected two site notices and then erected a third at the request of the planning authority.
- Appendix 4 contains clarification in relation to the Appropriate Assessment.
- Solar farms do not come within any of the classes as set out in Schedule 5 of the Regulations and therefore such developments do not require a mandatory EIA.
- The 10 year period is the time period within which the development must be constructed and the 30 year period is the period for which the development is permitted to operate.

6.3. Planning Authority Response

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

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

6.4. Observations

- None.

7.0 Assessment

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

- Visual Impact
- Environmental Impact Assessment
- Other Issues
- Appropriate Assessment

7.2. Visual Impact

7.2.1. The subject site covers an area of c. 19 hectares in a landscape of rolling terrain largely in agricultural use. The proposed solar development is contained in the landscape character unit 'Coastal Area- Area of Outstanding Beauty' of Appendix 5 of the current Wicklow County Council Development Plan. This area has a 'very high' vulnerability. Section 10 of the Planning and Environment Report deals with the visual impacts of the proposed development together with a booklet of photomontages of 10 key viewpoints in the vicinity of the site.

7.2.2. In my view, the main impacts of the proposed development would be from the elevated grounds of Ballymoyle Hill, and the M11 which is adjacent to the site. Section 10.5.2 outlines scenic views in the area. I do not consider that the proposed development will have a negative impact on protected views in the area. I note that designated coastal views are in the opposite direction towards the sea rather than towards the site and I consider that these sea views would be of significant importance in the designation of the area as high vulnerability. There are elevated views from Ballymoyle Hill, however having regard to the distance from the site and the intervening vegetation, I consider that the proposed development would not be unduly obtrusive at this location. In terms of the views from the M11, I refer the Board to the photomontage of Viewpoint 5. I note that a number of reports from the Planning Authority and the Roads Section recommend additional planting at this location together with a requirement from the for a greater set-back from the M11 of

20 metres in line with Development Plan standards. I consider that these measures taken together would address the concerns raised in relation to visual impact.

7.2.3. My key concern in relation to visual impact relates to the cumulative impact of a number of solar farms recently granted in the area taken together with the proposed development. The photomontage booklet provides imagery of the proposed development, the Ballinaclea Solar Farm, the Johnstown North Solar Farm and the Coolboy Solar Farm. I note that the photomontages do not include another solar farm in the townland of Ballycooleen, Avoca, however this site is located on the western slopes of Ballinakill and Ballinabranagh and in my view this would considerably limit the inter-visibility between this site and the other sites in the vicinity.

7.2.4. Section 10.9.3 of the Landscape and Visual Assessment deals with the cumulative impact assessment of all 4 solar farms. It states that all of the cumulative schemes have the potential for inter-visibility with the proposed development. Although the proposed development and Ballinaclea are situated within 300m of each other, the M11 motorway corridor with its dense roadside screening and substantial vegetated embankments taken together with the intervening landscape and mature hedgerows would reduce the potential for combined views. Inter-visibility between Ballinaclea and Ballymoney and Johnstown North is only likely to occur from the elevated location of Ballymoyle Hill. There would be opportunities of views at various points from the main roads in the area- R750, R772 and M11 of the solar farms but these views would be intermittent.

7.2.5. Overall, I consider that the landscape in the area is robust and would be capable of absorbing both the proposed development and the cumulative impact of other recently granted solar farms. I consider that whilst the landscape in the area will change as a result of the proposed development, I do not consider that the impact will be seriously injurious. I consider that the photomontages and landscape assessment submitted with the application are very comprehensive. I note that the report of the planner dated the 26th day of July 2019 had asked for Further Information and a more up to date visual impact report, however this was overruled by the Senior Engineer in Planning as it was considered that views of the site were relatively intermittent. I concur with the conclusion that the three permitted farms in conjunction with the proposed solar farm will contribute to the diversity of land use

within this hinterland landscape and thereby marginally reduce the integrity of the typical rural fabric. Having regard to the localised nature of the visual impact and the proposals for additional planting, I consider that the proposal is satisfactory with regard to visual impact and landscape character.

7.3. Environmental Impact Assessment

- 7.3.1. The appellant considers that the development is of a size and scale as to require an Environmental Impact Assessment and that the approach of the Planning Authority and An Bord Pleanála on previous cases is incorrect in relation to same. Concerns are also raised by the appellant in relation to project splitting.
- 7.3.2. In this regard, I refer the Board to Section 5.4 of this report which provides for EIA Screening on this case where I conclude that a mandatory EIA, and the submission of an EIAR, is not required. In addition, I refer the Board to 2019/223 JR where it was concluded in a judgement by Mr. Justice Brian O' Moore delivered on the 29th day of May, 2020 that solar farms do not fall within the classes of projects listed in Annex I or Annex II of the 2014 directive.
- 7.3.3. The response to the appeal notes that the subject development cannot be classified as 'project splitting' as the term project splitting in the context of the EIA Directive relates to a developer purposely circumventing the EIA Directive. It is submitted that the applicant has not circumvented the EIA Directive as the subject project falls outside the scope of the EIA Directive. I concur with this conclusion.

7.4. Other Issues

7.5. Adequacy of site notice and drawings

- 7.5.1. The appellant considers that the site notice does not fully reflect the nature of the proposed development and that the drawings submitted are inadequate.
- 7.5.2. In particular the site notice does not refer to the grid connection or the layout and construction method of the solar panels and the applicant's boundary on the site layout plan is incomplete.

7.5.3. I have examined the wording of the notices and the drawings submitted with the application and I consider that they comply with the Planning and Development Regulations. I note that the Planning Authority have accepted them as valid and there is sufficient information for the Board to make a decision on this case.

7.6. **Grid Connection**

7.6.1. The grid connection route is omitted from the development description as it does not form part of the development for which planning permission is sought. This is very clear from the documentation submitted with the application. The indicative grid connection route, as illustrated in Figure 2.2 Indicative Grid Connection Route was submitted with the application. I consider that should the Board be minded to grant permission, a condition should be included that 'this permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection'. Such a condition has been imposed on previous consents for such developments.

7.7. **Length of Permission**

7.7.1. Condition 2 of the Planning Authority states that the period during which the development hereby permitted may be carried out shall be 10 years from the date of the final grant. Condition 5(A) allows for the operation of the solar farm for a period of 25 years from the date of the commissioning of the solar array. The appellant considers that this is ultra vires.

7.7.2. The response from applicant considers that the appellant misunderstands the fact that the applicant requested a 10 year period rather than the usual 5 year period. It notes that the operational period of the solar farm as imposed by the Planning Authority is for 25 years and both the planning period of 10 years and the operational period of 25 years are two completely different terms.

7.7.3. The response from the Planning Authority states that the appellant's agent appears to be confusing the appropriate period/ duration of a permission as defined in S40 of the Planning and Development Act 2000, as amended, and the period of time for

which the proposed development can remain operational and on site for once constructed pursuant to the permission.

7.7.4. I note that in the information submitted with the application, the applicant sought an operational period of 30 years. However, should the Board be minded to grant permission, I note that in similar cases, the Board has taken a consistent view of allowing a 25 year operational period. As such, in the interests of consistency and to enable the Planning Authority to review the operation of solar array in the light of the circumstances then prevailing, I consider that a condition for 25 years only would be appropriate. The planning conditions provide for a difference in the duration of the permission and the operational period because they refer to two separate items and by their nature require different time periods. I am of the view that the lengths of time specified in both conditions are appropriate and consistent with recent Board orders for similar types of development and have no objection to same.

7.8. **Loss of Agricultural Lands**

7.8.1. Concern is expressed in the appeal regarding the loss of agricultural lands in the area having regard to the number of solar farms in the area.

7.8.2. The response to the appeal notes that the lands subject to this development will still be farmed in an extensive manner. The cultivation of high-value fruits and vegetable, such as asparagus and pumpkins, or non-food crops such as lavender and/or sowing of wildflower seeds and bee keeping are options together with harvesting grassland swords. Vegetation between and under solar panels will be kept under control by grazing sheep throughout the parcel of land. The lands could be returned to prime production lands when the development has run its course.

7.8.3. I consider that the impact on land-use is minimal for the proposed development as agriculture can co-exist with the solar farm. Agricultural use could also co-exist on other solar farms in the area in the same manner and as such the cumulative impact on the loss of agricultural lands would be minimal in my view.

7.9. Appropriate Assessment

- 7.9.1. The appellant considers that the Appropriate Assessment Screening failed to consider the cumulative impacts of grid connections for each of the other solar farms in the area.
- 7.9.2. An Appropriate Assessment Screening Report was submitted with the application which identified that there were 5 No. European sites within a 15km radius of the proposed development. The site is not located within or directly adjacent to any Natura 2000 site.
- 7.9.3. The stage 1 Screening Report identifies the direct and indirect impacts on natural sites and examines cumulative impacts.
- 7.9.4. The AA screening considered potential for impacts on European sites to occur due to the proposed development. It was concluded that having regard to the ecological characteristics of the features of European sites in the surroundings and characteristics of the proposed development, there was an absence of any potential ecological impact pathway and therefore no potential impacts were identified. It was also determined that there were no cumulative or in-combination effects on designated sites.
- 7.9.5. Figure 1.1 identifies an indicative grid route connection to Arklow substation. The AA Screening report considers the potential impacts of grid connection of the site to Arklow substation in Sections 3.2.1 and 3.3.2. and concludes that there were no hydrological links between the proposed cable route and any European site. The cable route travels along a private access track and along the R722 for c. 0.9km before reaching the existing Arklow substation. The appeal response notes that the proposed Johnstown North solar farm proposes to connect to Arklow and it is likely that a single grid connection could connect both farms. The Highfield solar farm proposes to connect to Kilmagig substation with no potential for cumulative effects. It notes that the solar farms in Coolboy and Ballinlea will also connect
- 7.9.6. to Arklow and there is potential for cumulative impacts of grid routes. However, I concur with the conclusion that having regard to the nature and scale of underground cables, it is unlikely that cumulative impacts will occur to such an extent that it would have an impact on European sites in the area, especially given that the routes traverse public roads.

7.9.7. Section 3.5 of the Screening Report identified permitted projects in the vicinity of the proposed development site including the 4 solar farms within 5km. All four farms are within the WFD catchment (Ovaco-Vartry) as the proposed development site and may feed into the same waterbodies as the proposed development. It is stated that as solar farm development normally require minimal ground disturbance (for the installation of panels) and as the drainage ditches within the proposed development and adjacent streams will be avoided and/or mitigated, a cumulative impact to water quality is not envisaged with other solar developments. As there is no direct or indirect link waterbody connection between the proposed development and any European site, no cumulative impact is envisaged.

7.9.8. In conclusion having regard to the foregoing and on the basis of the information available, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site. A Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

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

9.0 Reasons and Considerations

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

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

Appropriate Assessment Screening

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

10.0 Conditions

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

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: Having regard to the nature of the proposed development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. (a) The permission shall be for a period of 25 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

(b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, substation, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

(c) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

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

4. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

5. Before construction commences on site, a revised site layout plan showing the relocation of the proposed substation and all associated infrastructure from within the 20m setback line of the M11 shall be submitted for prior approval to the planning authority.

Reason: In the interest of traffic safety.

6. (a) Existing field boundaries shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the plans submitted with the Planning Authority on the 10th of June, 2019.

(b) Any gaps in the hedgerow along the western site boundary (adjoining the M11) shall be enhanced with native trees and hedgerows prior to commencement of development and all Biodiversity Enhancement Measures shall be carried out throughout the site as outlined in Section 6.6 of the Environmental Report submitted.

(c) All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

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

7. (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.

(b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.

(c) Cables within the site shall be located underground.

(d) The inverter/transformer stations shall be dark green in colour. The external walls of the proposed substation shall be finished in a neutral colour such as light grey or off-white and the roof shall be of black slate or tiles.

Reason: In the interest of clarity, of visual and residential amenity and to minimise impacts on drainage patterns and surface water quality.

7. Before construction commences on site, details of the structures of the security fence showing provision for the movement of mammals shall be submitted for prior approval to the planning authority. This shall be facilitated through the provision of mammal access gates every 100 metres along the perimeter fence and in accordance with standard guidelines for provision of mammal access (National Roads Authority 2008).

Reason: To allow wildlife to continue to have access across the site.

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

The assessment shall address the following issues:

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

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological

requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

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

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

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

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site, and to allow wildlife to continue to have access to and through the site.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Emer Doyle

Inspector

9th July 2020