



An
Bord
Pleanála

Inspector's Report ABP-306129-19

Development

Permission to amend the lifetime of the approved development (P.A. Ref. 20180837) which comprises consent for the development of a solar farm on a site of approximately 152.8 hectares consisting of the following: solar photovoltaic panels on ground mounted steel frames; associated electrical, control and equipment structures and buildings. Also battery storage units, underground power and communication cables and ducts; boundary security fencing; upgraded internal access tracks; new internal access tracks and associated drainage infrastructure; cctv cameras and all associated site services. Permission is sought to amend the operational lifespan of the consented development from 25 years to 35 years. A Natura Impact Statement has been undertaken.

Location

Townlands of Raheenduff,
Haresmead, Rosspile, Coolcliffe,

Horetown North, Horetown, Clongeen,
Ballymittgy, Co. Wexford

Planning Authority Wexford County Council

Planning Authority Reg. Ref. 20191353

Applicant(s) Highfield Solar Limited

Type of Application Permission

Planning Authority Decision Refuse Permission

Type of Appeal First Party – To amend Condition 4 of the Grant of permission such that the lifespan of the development is extended from 25 years to 35 years.

Observer(s) Tony & Eileen Redmond
Joe & Sharon Hudner

Date of Site Inspection 14th February 2020

Inspector Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site consists of a large expanse of land in South Wexford with a stated area of 152.8 hectares. The site consists of a significant number of fields/ sections of fields and areas of land all surrounding the small settlement of Foulksmills. Foulksmills is located on a local road between Taghmon to the east and the R736 – Wellingtonbridge to Ballinboola, regional road to the west. The River Corock flows through the settlement on a north to south axis. This river flows into the sea at Wellingtonbridge approximately 6.4 km to the south.
- 1.2. The lands surrounding Foulksmills are primarily in agricultural use for forestry, tillage and livestock. The surrounding lands are hilly, though generally the higher points are located to the north of Foulksmills. The subject fields are large.
- 1.3. Note: I do not intend describing each individual area of land as the appeal refers to a single condition only and the description of the fields is not relevant.

2.0 Proposed Development

- 2.1. The applicant applied to amend the lifetime of the approved development solar farm development as approved under **P.A. Ref. 20180837** and **ABP Ref. PL26.302475-18**. Permission was granted under Condition 4(a) for a period of 25 years from the date of the commissioning of the solar array and the applicant is now applying for this lifetime to be extended to 35 years.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to refuse permission subject to a single reason as follows:

‘The Planning Authority considers that the material change in use of the land for a period of 35 years would be excessively long in order for the Planning Authority to carry out an appropriate review of the temporary permitted land use of energy production. Therefore, the proposed extension of the period of the development would be contrary to the proper planning and sustainable development of the area’.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Authority Case Officer recommended refusal of the extension of the operational life as 25 years is considered to be an appropriate period of time to review the solar farm and any advances in technology. Circumstances may change such as a more pressing demand for food production rather than land intensive energy demand. The case officer considers that planning permission be in accordance with sound planning policy developed by elected representatives and not be affected by vested interests.

3.2.2. Other Technical Reports

Chief Fire Officer: No objection subject to conditions.

Senior Executive Scientist – Environment: Further information requested in the form of a revised glint and glare assessment.

3.2.3. Prescribed Bodies Reports

Environmental Health Officer (EHO) – HSE: No consultation has been held and there is a concern that the development may impact on a shellfish growing area and the Johnstown Irish Honey Bee project which are within 15 km of the site. In summary, the EHO sees no necessity for the lifespan extension.

Transport Infrastructure Ireland (TII): No observation to make.

3.2.4. Objections/ Observations

Two submissions were received. Issues raised included:

- No new details/ documents were submitted supporting the change in lifespan of this development.
- No details have been provided as to what the change in technology is. The examples provided do not refer to battery storage.
- No local consultation.
- Previous refusal for this development by Wexford County Council.
- If the permission is extended, there may be impacts on biodiversity that have not been considered to date.

- Contrary to the Wexford County Development Plan 2016 – 2022. References a number of objectives from the development plan that refer to biodiversity and ecological areas.

4.0 Planning History

P.A. Ref. 20180837/ ABP Ref. PL26.302475 refers to a July 2019 decision to grant a ten-year permission for a solar farm on a site of approximately 152.8 hectares. This development consists of solar photovoltaic panels on ground mounted frames, associated control and electrical rooms/ equipment, battery storage units, electrical and communication connections/ cabling, boundary fencing and all access roads/ hard standing. Also, cctv cameras, drainage infrastructure and all associated site works.

The following conditions and reasons are noted as relevant:

'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'.

'4. (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'.

The following are also relevant to this appeal:

P.A. Ref. 20190440/ ABP Ref. PL26.305852 refers to a February 2020 decision to grant for the same conditions as originally attached to the permission under P.A. Ref. 20171127 at a site in Killabeg, Tinnacross, Co. Wexford. The application was for permission to amend the design of the approved development (Planning Ref: 20171127) which comprised consent for the development of a temporary (25 years) ground mounted solar electricity on a 12.7 ha site. The amendments included an extension of the lifespan from 25 years to 35 years. The Planning Authority granted permission but retained by way of condition the lifespan at 25 years.

P.A. Ref. 20190441/ ABP Ref. PL26.305854 refers to a February 2020 decision to grant for the same conditions as originally attached to the permission under P.A. Ref. 20171680 at a site in Killabeg, Tinnacross, Co. Wexford. The application was for permission to amend the design of the approved development (Planning Ref: 20171680) which comprised consent for the development of a temporary (25 years) ground mounted solar electricity on a 10.4 ha site. The amendments included an extension of the lifespan from 25 years to 35 years. The Planning Authority granted permission but retained by way of condition the lifespan at 25 years.

P.A. Ref. 20190442/ ABP Ref. PL26.305860 refers to a February 2020 decision to grant for the same conditions as originally attached to the permission under P.A. Ref. 20161217 at a site in Banoge, Courtown, Co. Wexford. The application was for permission to amend the design of the approved development (Planning Ref:

20161217) which comprised consent for the development of a temporary (25 years) ground mounted solar electricity on a 10 ha site. The amendments included an extension of the lifespan from 25 years to 35 years. The Planning Authority granted permission but retained by way of condition the lifespan at 25 years.

5.0 Policy and Context

5.1. Development Plan

Under the Wexford County Development Plan 2013 – 2019, Section 11.3.5 refers to Solar Power and states the following:

‘Solar power can be used in buildings to produce heat and electricity. It can be in the form of thermal solar energy (passive and active) or photovoltaic solar energy. Passive solar heating refers to the way in which buildings are designed to maximise solar gain and minimise heat loss. Active solar energy is where solar panels are used to transform solar energy into heat to provide space and/or water heating. Solar Photovoltaic Systems use daylight to convert solar radiation into electricity; the greater the intensity of light, the greater the flow of electricity.

It is an objective of the Council:

Objective EN18

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

The site is on un-zoned land and there are no specific designations associated with these lands.

5.2. National Planning Framework

- 5.2.1. **National Strategic Outcome 8** – Recognises the need to harness both on-shore and off-shore potential from energy sources including solar. The following points are noted:

Green Energy

‘Deliver 40% of our electricity needs from renewable sources by 2020 with a strategic aim to increase renewable deployment in line with EU targets and national policy objectives out to 2030 and beyond. It is expected that this increase in renewable deployment will lead to a greater diversity of renewable technologies in the mix’.

- 5.2.2. **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. Guidelines

No national guidelines have been issued to date. I have noted the following as of relevance to this development:

Planning and Development Guidance Recommendations for Utility Scale Solar Photovoltaic Schemes in Ireland (October 2016 report prepared by Future Analytics for the Sustainable Energy Authority Ireland/ SEAI).

Planning guidance for the development of large scale ground mounted solar PV systems (British Research Establishment/ BRE – 2016).

Draft Revised Wind Energy Development Guidelines were issued in December 2019 by the Department of Housing, Planning and Local Government

5.4. Natural Heritage Designations

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

Special Protection Areas

- Bannow Bay SPA (Site Code: 004033)
- Ballyteige Burrow SPA (Site Code: 004020)
- Keeragh Islands SPA (Site Code: 004118)
- Wexford Harbour & Slob SPA (Site Code: 004076)

6.0 The Appeal

6.1. Grounds of Appeal

The applicant has appealed the decision of Wexford County Council to refuse permission for the extensions of the lifespan of this permission from 25 to 35 years. The main grounds include:

- Cost effectiveness is improved by permitted longer operational periods as the capital cost is reduce over an extended period of time.
- Solar farms are expected to have a lifespan of over 30 years and up to 40 years and not the previous industry standard of 25 years. The equipment lifespan is longer than that used in previous technologies.
- Examples provided of other developments with 30-year lifespans.
- The solar farm can be used to off-set CO₂ emissions from other sectors.

6.2. Observations

Two submission were received and in summary include the following comments:

- No new details/ documents were submitted supporting the proposal.
- No details have been provided as to what the change in technology is.
- No consultation with the local community.
- If the permission is extended, there may be impacts on biodiversity that have not been considered to date.
- Contrary to the Wexford County Development Plan 2016 – 2022. References a number of objectives from the development plan that refer to biodiversity and ecological areas.
- Note the concerns raised by the HSE regarding impact on human health.

7.0 Assessment

7.1. As the appeal refers to a single condition only, this will be assessed in accordance with Section 139 of the Planning and Development Act 2000 as amended.

7.2. Lifespan of the Consented Development – Condition No. 4 of P.A. Ref. 20180837/ ABP Ref. PL26.302475

7.2.1. I have noted the appeal and the supporting documentation. The argument put forward by the applicant is primarily on an economic basis in that an extended lifespan reduces the capital cost of the development. The actual materials used in solar farms has developed to a stage that their useful lifespan is now in excess of 30 years and may be up to 40 years. These points are noted and whilst guidelines for windfarms have been issued and revised guidelines in draft form have been issued, no such guidelines for solar farms have been provided at a national level. The *Draft Revised Wind Energy Development Guidelines* state under *Section 7.22 Time Limits* the following:

‘The discretion on the particular time limit for an individual application will rest with the planning authority, taking into account the specific technology being used. However, current technology would suggest that a time limit of approximately 30 years is reasonable’.

- 7.2.2. I note that the issue of the lifespan of permission is applied on a somewhat random basis with permissions of between 25 and 35 years applied nationwide. Electricity from solar panels is a relatively new form of energy production in this country and no national planning guidelines have been provided to date. From a land-use planning point of view, the extensive use of agricultural land for solar panels may result in the loss of high-quality farmlands. It is accepted that the farming sector is undergoing change and diversification is encouraged. The development does not prevent the use of the land for agricultural purposes but will limit the range of uses whilst in situ.
- 7.2.3. The permitted development is for a very large solar farm that extends to 152.8 hectares and which surrounds the settlement of Foulksmills. The large scale of this development if fully implemented would require works that may not be easily reversible and it was considered that permitting a 25-year lifespan would be appropriate. The 25 years is in addition to the 10 duration of the permission and potentially the development may be in situ until 2054 or so. It is possible that technology will have advanced and energy may be developed from other methods or efficiency in solar farms may have advanced to the extent that a reduced area of land could produce sufficient energy.
- 7.3. I have noted the recent decisions as issued in February 2020 for similar solar farm developments in Co. Wexford and for which 25-year permissions were considered to be appropriate having regard to future advances in technology and allowing the Planning Authority to consider the impact of the development near the end of this period. The opportunity exists for the applicant to apply for an extension on this permission prior to cessation of the lifespan or to apply for a new development.
- 7.4. Therefore, having considered the appeal and supporting documentation and the relevant planning history, it is considered that condition no.4 should not be revised and that the operational lifespan of the development be for 25 years only.
- 7.5. **Appropriate Assessment Screening**
- 7.5.1. The submitted appeal is for the extension of the lifespan of the development from 25 to 35 years. No Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

In light of the above assessment, I recommend that the Board, using its powers under Section 139 of the Planning and Development Act 2000 as amended, direct the Planning Authority that Condition no. 4 be retained as worded under ABP Ref. PL26.302475 and that the operational lifespan be for 25 years only.

9.0 Reasons and Considerations

Having regard to the provisions of the Wexford County Development Plan 2013 – 2019 as extended, and the planning history of the site and within County Wexford, it is considered that Condition no. 4 attached to the grant of permission under P.A. Ref. 20180837 and ABP Ref. PL26.302475-18 not be revised. Having regard to the new technology as permitted, it is considered that the permitted operating life of 25 years, from the date of commencement of the development, is both reasonable and necessary in order to enable the planning authority to consider the impact of the development over this period, having regard to the circumstances then prevailing, in the interest of orderly development, and, is in accordance with the proper planning and sustainable development of the area.

Paul O'Brien
Planning Inspector

18th March 2020