



An
Bord
Pleanála

Inspector's Report

ABP-309319-21

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| Development | Permission for 10 years period of up to 30 years for a ground mounted solar photovoltaic (PV) farm on a site area within the site of the Dunmurry Springs Golf Club. |
| Location | Rahilla Glebe , Dunmurry West and , Guidenstown South |
| Planning Authority | Kildare County Council |
| Planning Authority Reg. Ref. | 201325 |
| Applicant(s) | BNRG NEON Holdings Ltd |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | First Party |
| Appellant(s) | BNRG NEON Holdings Ltd |
| Observer(s) | Maria Gleeson |
| Date of Site Inspection | 30 th of June 2021 |
| Inspector | Caryn Coogan |

1.0 Site Location and Description

- 1.1. The subject site is 49.7Ha and is the grounds of the former Dunmurry Springs golf Club approximately half way between Kildare town and Rathangan village along the Regional Route R401 in Co. Kildare.
- 1.2. The site is undulating and clearly a golf course with artificial water features, bunkers, mounds, greens, and the former clubhouse and carpark are positioned on the lowest part of the site.
- 1.3. The ground levels rise in a northerly and easterly direction away from the road towards Dunmurray Hill where there is a large telecommunications mast on the summit.
- 1.4. The site has localised variations in ground levels created by the golf course construction.
- 1.5. There are a number of dwellings along the R401 Regional Road which back onto the site. The R401 also provides access to the site.
- 1.6. The site was been used to graze sheep at the time of the inspection.

2.0 Proposed Development

- 2.1. Planning permission is sought for a period of 10 years with an operational period up to 30years for:
 - polar photovoltaic panels covering an area of up to 92,024sq.m. on ground mounted steel frames;
 - 1No. 38 kV on site substation/ control room and ducts;
 - boundary security fence;
 - use of existing entrance at Dunmurray Springs Golf Club;
 - new internal tracts,
 - maintenance shed;
 - CCTV cameras;
 - 1No. temporary site compound;

- landscaping

3.0 Planning Authority Decision

3.1. Decision

Kildare Co. Co. refused the proposed development for two reasons:

1. The site is located within the Chair of Kildare Landscape Character Area which is characterised in the Kildare County Development Plan 2017-2023 as a Class 4 'Special' landscape with low capacity to accommodate uses without significant adverse effects on the appearance and character of the landscape having regard to special sensitivity factors. Solar developments are categorised as being of least compatibility within the Chair of Kildare Landscape Character Area, as set out in Table 14.3 of the Kildare County development Plan. Furthermore, the proposed development is located in close proximity to a number of scenic routes as set out in the Kildare County Development Plan 2017-2023. Having regard to the exposed nature of the site which is highly visible from elevated areas of the R401/ scenic route No. 14/15 and the scale, nature and design of the proposed development, it is considered that the proposed solar development would form a prominent and obtrusive feature in the landscape and would be highly visible, which would adversely impact on the character of the area. The proposed development would therefore be contrary to the provisions of Kildare County Development Plan 2017-2023 and accordingly would be contrary to the proper planning and sustainable development of the area.
2. The development area is situated on a slope over 10% and Policy LU2 of the Kildare County Development Plan 2017-2023 requires that developments on steep slopes (i.e. >10%) will not be conspicuous or have a disproportionate visual impact on the surrounding environment as seen from relevant scenic routes, viewpoints and settlements. It is considered that, by reason of the nature and extent of the proposed development on a site highly visible from various locations on the R401/ scenic route 14/15, the proposed development would be visually obtrusive at this location, would appear overly dominant on

the rural landscape having regard to the contours of the surrounding landscape and would set an undesirable precedent for similar development which would be contrary to the provisions of Kildare County development Plan 2017-2023. The proposed development would therefore contravene Policies LA2, LU1 and LU2 which seek to protect and enhance the County's landscape and ensure that development will not have a disproportionate visual impact as well as Policy SR1 which seeks to protect views from designated scenic routes. The proposed development would therefore seriously injure the visual amenities of the area, would conflict with Kildare County Development Plan 2017-2023 and accordingly would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- A section 5 declaration of excepted development for the grid connection
- The former golf club is in agricultural and residential use
- Solar farms are associated with landscape and visual impact due to the large land take.
- The proposed solar panels are maintained to the east of a row of trees and not positioned on the higher parts of the golf course.
- Access off the R401, and existing access, and a haul route further west along the R401
- Noise and air impacts will be temporary only
- Heritage Officer has no objection to the proposal.
- The Zone of Theoretical Visibility is assessed. The treeline and the hedges can be cut during the lifetime of the permission changing the visual impact significantly. The development area would not be visible from the R401 but would be visible across farmland and dwellings to the northwest. The development would be highly visible from the R401 scenic route No. 15/15 and would introduce a significant change to the visual amenity of the area.

3.2.2. **Other Technical Reports**

District Engineer: No objections

Water Services: No objections

Environment Department: No objections

Heritage Officer: No objections except concerned expressed about the Japanese Knotweed along the grid connection route

Roads: No objections, conditions recommended.

3.3. **Prescribed Bodies**

No responses received.

3.4. **Third Party Observations**

There were a number of third-party objections to the proposed development citing the following concerns: -

- No national solar guidance
- The solar farm on the adjoining farm was deemed to be unsuitable on the landscape
- Adverse impact on character and fabric of rural landscape
- Chair of Kildare special landscape area
- Contrary to landscape protection policies in the County Development Plan
- Obtrusive, overly dominant
- Traffic
- Privacy
- Solar farms should be on brownfield sites or boglands
- Glint and Glare

There were letters of support for the proposal.

4.0 Planning History

4.1 Planning Reference: 03/1456

Planning permission granted to Sean Houlihan for development comprising of an 18hole golf course on 53acres, and outline planning permission is sought for construction of a clubhouse and 50No. carparking spaces with wastewater treatment.

4.2 Planning Reference:- 04/3038

Planning permission granted to Simon Holohan for development comprising construction of single storey golf clubhouse (1599sq.m.) to include basement, 112No. carparking spaces, titan P40 waste water treatment system, percolation area, all associated site works.

4.3 Planning Reference :- 10/32

Planning permission granted to Sean and Simon Holohan for one single storey golf club house with bar, restaurant, shop, ancillary offices, changing rooms, carparking etc to replace the clubhouse granted under reference 04/3038.

4.4 Planning Reference:- 18/276

Planning permission granted for 2No. tow bedroom holiday apartments in the first floor attic space of the golf club house.

4.5 Adjoining Site : Planning Reference 18/1328

Planning permission refused to BNRG Neon Holdings Ltd for development comprising of a ground mounted solar farm for ten years, which was refused for two reasons by the Council and An Bord Pleanala for one reason below.

The site of the proposed development is located in the Chair of Kildare, Special Landscape Character Area, as indicated in Chapter 14 of the Kildare County Development Plan 2017-2023 which has a low capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to special sensitivity factors. Having regard to the open, exposed and elevated nature of the site, and to the scale, nature and design of the proposed development, it is considered that the proposed solar farm would form a prominent and obtrusive feature in the landscape, which would be highly visible in views from

its environs and which would adversely impact on the character of the local setting. The proposed development would seriously injure the visual amenities of the area and would conflict with this development plan objective which seeks to protect the landscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1 INTERNATIONAL GUIDELINES

5.1.1. Solar PV Development Guidelines in the UK.

There are a number of guidance documents available in the UK. While they do not have a statutory basis in the Irish context, they are useful in informing the planning and environmental issues which arise.

5.1.2. Planning Guidance for the development of large scale mounted solar PV systems' prepared by BRE National Solar Centre (UK) 2013

This national guidance provides best practice planning guidance in respect of how large ground mounted arrays are developed setting out planning considerations and requirements. It provides advisory information on planning application considerations including construction and operational works, landscape / visual impact, ecology, historic environment, glint and glare and duration of the planning permission.

Guidance is included on the information which should accompany a Landscape and Visual Impact Assessment and on EIA Screening procedures.

5.2. NATIONAL GUIDELINES / POLICY

5.2.1. National Planning Framework

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. ABP-303577-19 Inspector's Report
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5.2.2. *Government White Paper ‘Ireland’s Transition to a Low Carbon Energy Future 2015 – 2030’, published in December 2015.*

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

Section 137 - Solar photovoltaic PV technology is rapidly becoming cost effective for electricity generation, not only compared with other renewables but also compared with conventional forms of generation. The deployment of solar energy in Ireland has the potential to increase energy security, contribute to our renewable energy targets and support economic growth and jobs. Solar also brings a number of benefits like relatively quick construction and a range of deployment options including solar thermal for heat and solar PV for electricity.

5.2.3. *Planning and Development Guidance Recommendations for Utility Scale Solar Photovoltaic Schemes in Ireland October 2016*

This is a research paper which was funded by the SEAI. It sets out the recommended policy framework for renewable energy, including reference to relevant targets, and provides information on the achievements to date. It is noted that at the beginning of October 2016, planning applications for over 100 utility scale solar PV (USSPV) developments had been submitted to planning authorities across the state. It was estimated that, if implemented, these would contribute at least 594MW of renewable electricity. However, it was also noted that there is currently no REFIT scheme to subsidise the generation of electricity from USSPV sources. The document also provides guidance on the assessment of proposed solar farm developments. It is suggested that this guidance may contribute to the evidence base that will inform the development of Section 28 planning guidance for Utility Scale Solar Photovoltaic (USSPV) developments in Ireland in due course.

5.3. REGIONAL POLICY

5.3.1. ***Regional Planning Guidelines for the Greater Dublin Area 2010-2022***

Section 6.6.5 states- “Renewable energy provision within the GDA will continue to become a more central issue in terms of environmental concerns, economic viability and development, and employment creation in green technologies. Approximately 5,500 MW of renewable generation by 2020 is required to meet the government target of 40% total consumption from renewable energy. The achievement of these national targets will require development of renewable energy options such as offshore wind generation, marine based energy generation, solar energy and geothermal both within, adjacent to, and outside the GDA. Subject to the provision of adequate capacity in the Grid to receive, transport and distribute energy, renewable energy provision will assist efforts to meet Kyoto Protocol targets, increase security of supply, and bolster energy supply levels catering for future demands arising from a knowledge and ICT intensive economy and will assist the decoupling of economic growth from carbon emission levels”.

5.4. LOCAL POLICY

Kildare County Development Plan 2017 – 2023

5.4.1. Chapter 8 of the Plan refers to Energy and Communications, Chapter 10 to Rural Development, Chapter 14 to Landscape, Recreation and Amenity, and Chapter 17 to Development Management Standards.

5.4.2. Chapter 8 of the Plan specifically refers to Solar Energy in Section 8.7. The Plan states ‘Like all forms of development, solar farms have the potential to affect the landscape and natural and built heritage. Cumulative impacts may also arise with farms located close to each other. Site selection is vital for potential solar farms as solar resource, topography and proximity to the grid must be considered. There are also many environmental considerations associated with solar farms.’

5.4.3. Policies SE1, SE2, SE3 and SE4 all refer to solar energy. SE1 promotes the development of solar energy subject to environmental safeguards. SE2 seeks to ensure that the assessment of solar energy proposals will have regard to:

- site selection, by focussing in the first instance on developing solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays;
- the nature of solar farms as normally temporary structures. Decommissioning and site rehabilitation plans will be required providing for the land be restored to its previous use;
- the proposal's impact through glint and glare on neighbouring uses and on transportation and aviation safety;
- the proposal's visual and landscape impact and the potential to mitigate these impacts through, for example, screening with native hedges
- the guidance provided in relation to compatibility with landscape designations of Tables 14.3 and 14.4 of Chapter 14 of this plan;
- the need for, and impact of, security measures such as lights and fencing;
- the need to ensure that heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on protected views and scenic routes etc. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets, e.g. historic demesnes.

Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;

- the need to consider ecology so as to avoid or minimise damage on important species or protected habitats;

- the energy-generating potential, which can vary for a number of reasons including latitude and aspect;
- the design of the scheme needs to be carefully considered including layout, scale, land cover panel, height, landscaping, access roads, noise, cumulative impacts and the design of ancillary elements;

5.4.4. Section 10.4.8 of Chapter 10 deals with Green Energy Projects and states that rural areas have the potential to be harnessed for renewable energy projects including solar energy. 5.4.5. Chapter 5 of the Plan deals with Economic Enterprise and Tourism and includes Policy ECD 23 which seeks to “Facilitate and encourage the development of the alternative energy sector and to work with the relevant agencies to support the development of alternative forms of energy where such developments are in accordance with the proper planning and sustainable development of the area.”

5.4.6. Chapter 14 relates to Landscape Recreation and Amenity and identifies that the subject site is located within the southern area of the Chair of Kildare Landscape Character Area. This landscape is a Class 4 and is noted as having special sensitivity and having a low capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to special sensitivity factors.

5.4.7. The following scenic routes are noted in the vicinity of the site:

- Scenic route 14 Views to and from Redhill, Central Kildare Plains and boglands on the R401 and adjoining lands.
- Scenic route 15 Views to and from Dunmurry and Views of Central Kildare Plains and Boglands on the R401 and adjoining roads.
- Scenic route 16 Views of Chair of Kildare and Views of Central Kildare Plains and Boglands on the R415 and adjoining roads. 5.4.8. Section 14.4.2 refers to Impact of Development on Landscape. Table 14.3 identifies the likely compatibility between a range of land uses and principle landscape areas. The Chair of Kildare is identified as being ‘least likely to be compatible with solar energy’.

5.5. **Natural Heritage Designations**

The site itself is not located within any designated site but is within 5km of the Pollardstown Fen SAC, Site Code 000396, which is located to the east of the site. In addition, Mouds Bog SAC (Site Code 002331) is approximately 8km to the east and River Barrow and River Nore SAC, (Site Code 002162) is approximately 10km to the southwest of the site. The subject site is used for agricultural purposes with some hedgerows and tree boundaries. There is a commercial forest to the north and a golf club to the south.

5.1. EIA Screening

Article 92 of the Planning and Development Regulations, 2001, (as amended) defines sub-threshold development, as 'development of a type set out in Schedule 5 which does not exceed a quantity, area or other limit specified in that Schedule in respect of the relevant class of development'. In light of the above, the Board will note that I have determined that the solar PV farm development is not a development set out in Schedule 5 and therefore, I do not consider that the subject development is a 'sub-threshold development' for the purpose of EIA.

6.0 The Appeal

6.1. Grounds of Appeal

The proposed development complies with the Kildare County Development Plan 2017-2023. The applicant had proposed a similar development on an adjacent site to the north of the golf course, on higher ground which was refused by the local authority and An Bord Pleanála. The applicant reviewed the Board's reason for refusal and examined an alternative site because the applicant has a connection agreement in place to connect with the Kildare town substation.

The golf course is on an altered landscape. The site is also a brownfield site, and is lying dormant. The site is less elevated than the previous application.

6.1.1 Reasons for Refusal

The two reasons for refusal express the following concerns:-

- Location within a 'Class 4 Special Landscape' character area. With solar developments categorised as being of least compatibility as set out in Table 14.3 of the Kildare County Development Plan.
- Proximity of site to a number of scenic routes
- Exposed nature of the site which is highly visible from elevated areas of the R401/ scenic route No.s 14/15 and contravention of La2, LU1 and LU2 of the County Development Plan which seeks to protect and enhance the County's landscape, and Policy SR1 which seeks to protect views from designated routes.
- Location of site on a slope over 10% and lack of compliance with Policy LU2 which requires developments on steep slopes not to be conspicuous or have a disproportionate visual impact.

6.1.2 Established Use of the Site

The site is man-made and served as a golf course up until a year ago. The field boundaries were removed, creation of pockets of copses and broad-leaved trees which serve to partially enclose the site. There are numerous ponds bunker and internal tracts, a clubhouse and carpark. The landform, land use and landscape were radically altered by the creation of a golf course. The land use (golf course) is not consistent with the surrounding land uses, and it is compatible with the continued evolution of this utilitarian, man-made landscape. Aerial photographs are provided illustrating the manmade evolution of the site from 2000, to 2005 to 2018. The sensitivity of the landscape within the immediate vicinity of the site is considered to be medium to low. The Board is asked to consider:-

- This highly modified landscape with significant interventions including topography interventions
- The current use of the site is unviable
- The established characteristics of the site should be considered and significant weight applied to assessing the development in the context of the broad brush landscape policies.
- An operational life of 30 years is proposed and therefore after this permission the lands will be returned to agricultural use.

6.1.3 Planning History

Planning reference P18/1328 (ABP 303577-19) was refused planning permission for a solar farm on the adjacent site to the west. Figure 5.1 illustrates the context of the previous planning application to the current proposal. The subject site is located on less elevated lands. The proposed panels are set back significantly from the north-western lands (the most elevated). The golf course topography has been highly modified and some panels are located on gradients of less than 10%. Instead of altering the gradients further, it was considered more appropriate to respect the existing gradients of the site. The proposal adequately addresses the previous reason for refusal on the following basis:

- The site is a brownfield site where there is significant precedent for development including holiday apartments within the existing clubhouse building (P18/276). The development is not contrary to the Chair of Kildare Special Landscape Character Area.
- The site is not elevated, open or exposed and would not be prominent or represent an obtrusive feature on the landscape. The landscape is already significantly altered.

6.1.4 Addressing Previous Reasons for Refusal

Impact of the Chair of Kildare – Class 4 Special Landscape

The primary locational concerns for Kildare Co. Co. relate to the development within the landscape: Chair of Kildare Landscape. Chapter 14 addresses the landscape character areas and their sensitivities. The Chair of Kildare was identified as part of the Landscape 2004 assessment as an elevated area providing scenic views over the central plains and boglands of Kildare. In the development plan it states the Chair of Kildare is a Class 4 Landscape Sensitivity of 'Special' – *Areas with low capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to special sensitivity factors.* Each landscape varies in terms of its ability to absorb development and each site should be assessed on its individual merits.

In the development plan there is Objective SE 2, which sets out criteria for a solar farm. The first objective relates to site selection, developing solar farms non

previously developed and non-agricultural land. The Planner's Report has not had regard to the fact, the site is a brownfield site, and can assist Kildare County in meeting its 2030 Climate targets.

The Planner's Report notes the site is situated in a valley with local ground variations. It also recognises that bare ground ZTV was submitted with the application which demonstrates the site will only be visible from the south east. The report only focuses on visibility and not the capacity of the site to accommodate the development. It does not acknowledge that a Solar PV can under certain circumstances be compatible with Scenic Route and Scenic Views contained within the Chair of Kildare designation, when the policies do not preclude them. The planning authority appears to have dismissed the proposed development because it is located beside a scenic route, and have not assessed the individual merits of the proposal.

Reduced Visual Impact

In the previous appeal the inspectors report raised concerns about views from the south and south-east especially at Killeagh Crossroads to the south and along R401, designated Scenic Routes 14 and 15. The visual impact from the golf course would be significant. There are photomontages submitted on appeal easily demonstrate the revised scheme has a much less visual impact from various vantage points than the previously refused scheme. No part of the scheme is visible from the proximate to Killeagh Crossroads. The revised scheme is largely screened by existing boundary hedges, while the previously refused scheme is screened by hedgerows.

The site has been designed and the visual and landscape impacts are reduced compared to the original scheme. A computer generated Zone of Theoretical Visibility (ZTV) map has been prepared to illustrate where the development is potentially visible. The main value of the ZTV mapping is to determine parts of the landscape from which the proposed development will definitely not be visible from due to terrain screening with the 5km study area. The majority of the study area has no theoretical visibility, and this is particularly noticeable in most northern sections. The town of Rathangan, the Grand Canal and the Barrow Way experience no theoretical visibility. Most of the N7, the Dublin-Cork intercity rail line experience no theoretical visibility. The highest levels of theoretical visibility in the study area are

highly localised contained within 1.5km of the site, in the majority of cases from are from private agricultural land. The scenic route aligns the southern and western boundary of the site, as well as six residences located on the southern side of the road. The second highest levels of visibility in the study area to the east are localised primarily to the east of the site, including small sections of the R415 at Rathbride, but also within Pollardstown.

The proposed PV panels do not rise more than 3metres above the ground and will be considerably screened by surrounding and intervening hedgerow, trees and numerous buildings, walls and embankments resulting in a lesser degree of actual visibility.

6.1.5 Compatibility of Solar Development with Landscape and Landscape Sensitivity

The correct approach is in accordance with Policy Objective SE2 and the criteria is tabulated in Table 6.1 of the appeal.

- The land will be returned to agricultural use following decommissioning of the solar farm.
- There is no major nuisance caused by glint or glare. The Environment Officer had no objection to the proposal.
- The proposed site is largely screen from public view
- Security fencing to be provided

6.2. Planning Authority Response

The planning authority has responded stating the proposed site does not adequately address the reasons for refusal in the previous case on the adjacent site. The proposed development is located on lower slopes of the same hill, therefore the same principles apply. The landscape has a low capacity for solar farms. The planning authority consider there would be a perceived change from a rural greenfield site to a built environment.

The planning authority disputes the appellants claim this is a brownfield site. There are short to medium range views which are achievable from a scenic route and the views are of a green, vegetated rural landscape.

6.3 Observations

Maria Gleeson of Siolan, Rahilla Glebe has made the following observations on appeal:-

- Dunmurry Hill is a beauty spot in Co. Kildare and can be seen from the R401, the hills form an important part of the Chair of Kildare topography with the surrounding bogs interrupted by hills. It is inconceivable 3 metre high solar panels would be placed within the wider scene. Photos attached of the setting.
- Dunmurray Hill is protected under the policies of Kildare Co. Development Plan.
- There is considerable wildlife associated with the site including foxes, hares and rabbits, swans and ducks. The ponds will be destroyed and the land cannot be naturally fertilised because of the solar panels.
- The site is a sensitive historical site whereby the old graveyard is the site of an early monastic settlement and there is folklore associated with the hill.
- The hills of the Chair of Kildare are described scientifically as Inlier of Ordovician volcanic strata surrounded by reef limestone, the site is located within a County Geological site.
- The dark grey panels will have a devastating impact on the visual, scenic and amenity qualities of Dunmurry Hill.

7.0 Assessment

7.1 The appeal is assessed under the following headings:

- Policy Context and the Principle of the Development
- Landscape and Visual Impacts
- Planning History
- Rural Character and Residential Amenity
- Glint and Glare
- Archaeology

- Other Issues
- Appropriate Assessment

7.2 Policy Context and the Principle of the Development

Having regard to the relevant sections quoted in Section 5 above, renewable energy development, in particular solar photovoltaic farms, is supported 'in principle' at international, national, regional and local policy levels, with collective support across government sectors for a move to a low carbon future and an acknowledgement of the need to encourage the use of renewable resources to reduce greenhouse gas emissions and to meet renewable energy targets set at a European Level. National Policy Objective no. 55 of the National Planning Framework is to promote renewable energy use and generation at appropriate locations within the built and natural environment. It is also an action of the NPF under National Policy Objective no. 8 to reinforce the distribution and transmission network to facilitate planned growth and distribution of a more renewables focused source of energy across the major demand centres.

At a local level Kildare County Development Plan 2017-2023 Solar Energy is addressed under Section 8.7 and Policy SE 1 of the Plan which seek to promote the development of solar energy infrastructure within the county subject to environmental safeguards for the protection of natural or natural heritage features, biodiversity, views and prospects. Policy SE 2 sets out a number of criteria which solar energy developments must have regard to site selection, decommissioning, clint and glare, visual and landscape impacts, fencing and security, heritage, ecology, noise and cumulative impacts. Policy SE 2 requires that the proposal must have regard to the visual and landscape impacts associated with solar farms as well as the compatibility of such developments within landscape designations, which are outlined in Tables 14.3 and 14.4 of Chapter 14 of the Plan.

The Board should note the subject site, a former golf course, is located in a rural area half way between Kildare village and Rathangan village on the lower southern slopes of Dunmurry Hill. The golf course is currently used to graze sheep, and the former club house is now in apartment use. The site is located within a designed landscape called ***The Chair of Kildare***. ***The Chair of Kildare*** is classified as

having a special sensitivity to development with a low capacity to accommodate uses without adversely affecting the landscape.

Most importantly, solar farms are identified in the development plan as being the least likely to be compatible in the Chair of Kildare Landscape Character Area according to Matrix Table 14.3 in the development plan. This policy issue formed the basis for the planning authority's refusal of the development. I accept the merits of the policy, however, the having visited the area and considered the content of the appeal file, I consider the context of the site to be low profile in the wider landscape, and has minimal vantage points from the surrounding area into the site. Although the development plan policy is a blanket statement, I believe the Board is in a position to consider favourably the subject site for a solar farm development as it has been demonstrated in the Landscape and Visual Impact Assessments that there will be minimal impact to the amenity and landscape qualities of the area.

7.3 Landscape and Visual Impacts

The Landscape Character Assessment (LCA) of Co. Kildare formed part of the Kildare County Development Plan 2005-2011. As stated above, the subject site is located within the designation, The Chair of Kildare, which is a large area in Central Kildare Class 4 - Sensitive, which according to the development plan, has a low capacity to accommodate uses without a significant adverse effect on the appearance or character of the area.

The Board must decide if the proposed development will have an impact on the sensitive landscape, and if so will the impact will be an adverse impact on the landscape.

Appendix 3.2 of the planning application submission contains the Visual Impact Assessment of the proposal. The solar farm is to be located on the lower slopes of Dunmurry Hill, and it aligns the northern and eastern side of the R401. The following is proposed:-

- Approximately 92,024 sq.m. solar PV panels are to be erected on ground mounted frames no taller than 3metres within a site area of 49.74 hectares.
- There are 10No. inverter/ transformer stations proposed

- 3473 m of 3.5m internal service tracks and associated drainage
- A substation
- Underground cabling and ducts connecting to an off site ESB substation
- Security fence
- Removal of small trees in the middle of the golf course
- Installation of CCTV cameras.

A Landscape and Visual Impact Assessment is provided with the application. The assessment of landscape impact includes a computer-generated zone of theoretical visibility (ZTV) map (bare ground) (Fig 18) and a computer generated digital surface model (DSM) map (Fig 19), to illustrate where the proposed development is potentially visible, and where it would be likely to be visible. The Standard ZTV map illustrates the proposed solar farm will be screened by surrounding and intervening hedgerow vegetation, trees and numerous buildings, walls and embankments from the former golf course. Areas of visibility are limited and further reduced by mitigation, and the extent of panels visible from areas where there is any visibility, is largely between 1 and 20%. I noted these findings during my inspection of the general area. The golf course is not currently highly visible from the surrounding area due to its position on lower gradients, and dense landscaping throughout the site along the roadside boundaries.

Viewshed Reference Points (9 no.) are used to indicate the views of the proposed development, showing the location and direction of view. The viewpoints are scattered throughout the solar farm site and the montages include views post mitigation.

The main mitigation measure is to ensure the siting of the development, which is 3metres in height off the ground, in a robust and well-contained rural area that avails of strong topographic and vegetative screening, and to ensure the panels are lower than 80-100metre from the summit as well as 1Km from it. Most of the site area for the panels are on the lower slopes of Dunmurry Hill. There will be a 2metre perimeter fence set inside the application site boundaries. Low density sheep grazing is anticipated on the site.

The Board should note the receiving landscape has been greatly modified, the current landscape is entirely man-made, and there are historical aerial photographs to demonstrate this. The golf course includes artificial ponds, bunkers, fairways, greens and tracts which determine the landscape sensitivity to be low-to medium, as the site has a customized landscape and form.

According to the assessment, the most notable physical landscape impact arising from the proposed development is the removal of 110 small or semi-mature trees are less than 15 years old which were planted during the formation of the golf course. The purpose of the trees was to screen greens and fairways and they do not follow a natural pattern. The existing hedgerows form the fabric of the original landscape and these are to be retained.

The Landscape and Visual Impact Assessment concludes that the solar development is not considered to give rise to any significant visual impacts as the magnitude of the impact is medium within 200metres of the site where it is contained in the same visual context, and this will reduce rapidly with increasing distance thereafter as the proposed development becomes proportionally smaller as a component of the landscape fabric.

Having examined the subject site from a variety of vistas off site and on site, and considered the reports on the planning file, in my opinion, the landscape impact and visual impact will not be significant and landscape or visual impact should not be reasons to refuse or modify the proposed development.

In summary, according to the development plan Landscape Classification in Chapter 14, The Chair of Kildare where the site is situated is classified as Class 4, Special Landscape, and the plan states the designation provides highly scenic views over the central plains and boglands of Kildare with the area having a low capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to the special sensitivity factors. The subject site already hosts a number of uses, and it is not visible from the wider area except the southeast. Photomontages are on the appeal file. The site area is not

particularly noticeable from within the wider landscape. The proposed development is reversible and the land will be returned to agricultural use following the operational life of the solar farm.

7.4 Planning History

The Bord upheld a decision to refuse planning permission for a solar farm on adjacent lands to the west of the golf course under appeal reference ABP 303577 because it was considered the proposed solar farm would have an adverse visual impact on the landscape appearance and character having regard to the elevated nature of the site.

The current proposal is on less elevated lands. Figure 5.1 depicts the context of both sites and it is evident the original proposal would have been on higher ground i.e. on a plateau of the hill visible from a greater geographical area especially to the north. In support of the current proposal, I note the golf course is a highly modified site unlike ABP 303577, and the proposal will respect the existing modified gradients. There are a number of proposed solar panels located on gradients in excess of 10%, however, this does not warrant a refusal of the entire proposal.

Compared to the previous refusal on the adjoining lands to the west, the subject site is a brownfield site which includes parking, holiday apartments within an existing golf course, and the proposal will not impact on the Chair of Kildare Special Landscape Character Area. The planning authority do not accept the term 'brownfield' associated with the golf course as it is a rural setting and the site is currently in agricultural use. I accept the entire site is 'green' in appearance, and the solar panels will create a blanket of grey onto the landform. The golf course, in my opinion, has the capacity to accommodate the panels because it is not a prominent site, and it already looks radically different to the surrounding agricultural land holdings. In addition, the site area is not overtly elevated, it is gentle sloping in configuration, and therefore has no prominence along the designated scenic routes and in my opinion would not create an obtrusive impact on the local setting. There is a large telecommunications structure on the summit of Dunmurry Hill which is highly visible and in my opinion creates a greater visual impact within the overall area than the proposed solar farm will because it is highly visible within the designated landscape.

7.5 Rural Character of the Area and Residential Amenity

Construction stage noise will be significantly less than routinely applied to TII schemes. Operational noise sources considered are inverters and transformers and the substation. Predicted noise level at the closest receptor to the inverters and transformers, will not exceed 38dB(A) at the façade of the receptor, and will be below the permissible night time limits during day time; the noise sources will not operate at night.

No artificial lighting is proposed, and should not be installed or operated on site without a prior grant of planning permission.

I am satisfied that the proposed CCTV cameras would not impact on the amenities of properties in the vicinity. As proposed they are fixed and angled to face into the site and not directed towards the road or nearby houses. This can additionally be addressed by way of a planning condition.

In my opinion there is sufficient setback of development in all cases to ensure the protection of residential amenity.

7.5 Glint & Glare

A Glint & Glare Assessment is presented with the application. It follows a methodology of digital terrain modelling (DTM) (landform only), followed by digital surface model (DSM) taking account of screening by buildings or vegetation (based on the screening at the time of data capture), supplemented by Google street view, and ground truthing by site visit.

Figure 10 illustrates parts of the study area where 35No. houses were examined for potential glint and glare. The results are based on 3D terrain data that does not account for screening by vegetation or manmade structures and are based on viewers eye level when standing on ground or first floor, depending if the dwelling is single or two storey. The results found that only 5No. dwellings are likely to be materially affected, which were examined in greater detail in the report, which found

there would be no material nuisance effects generated from the glint and glare towards the surrounding dwellings.

There were 127 road receptors points analysed as part of the report, which identified that 79 of the 127 road receptor points are theoretically possible to have glint and glare. There were only 5No. receptors points which had the potential to be materially affected, yet the mitigation measures of planting will ensure that only 1No. of the Road Receptor has the potential to experience residual reflectance, however there is only potential of up to a maximum of 6minutes per day across 24 days of the year, however there is no hazardous glint and glare effects along any of the roads.

7.6 Archaeology

The Archaeological Assessment Report identifies the recorded archaeological sites within 1Km of the solar farm site, which include hillforts, mounds, enclosures, churches, graveyards, ringforts, etc. There are no features within the subject site area. The subject site has undergone extensive ground disturbance and landscaping in recent years leading to the removal of all internal field divisions in order to create the golf course amenity.

The two closest recorded archaeological sites to the proposed development are two levelled enclosures or possible prehistoric barrows whose centre points are located c127m and 195m to the west of the northern boundary of the subject site. There was no objection to the proposal from the Heritage Officer.

7.7 Other Issues

The proposed solar development will be connected to the ESBN 38kV substation at Kildare, which is 2.3km south of the study site, via an underground cable. The proposed grid connection route exits at the existing golf course entrance and travels along the R401 before turning south on to Southgreen Road.

The landowner has given his consent to the development to be carried on his lands.

7.8 Appropriate Assessment

While the subject site does not have any conservation designation applying to it, there are a number of Natura 2000 sites located within 10km of the site. Arising from the requirements of Articles 6(3) and 6(4) of the Habitats Directive, the Board as the competent authority is required to carry out an appropriate assessment using a 4 stage process where the outcome of each stage determines whether the next further stage

is required. The site must be subject to AA regarding its implications for the Natura 2000 site in view of the site's conservation objectives *"if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects"* (EC, 2006). In other words, where doubt exists about the risk of a significant effect, an Appropriate Assessment must be carried out.

Fehily Timoney & Co. prepared a Stage 1 Screening Assessment in support of the proposed development. The Assessment identified that the following Natura 2000 sites which could potentially be affected by the proposed development and the associated grid connection route:

- Pollardstown Fen SAC, Site Code 000396
- Mouds Bog SAC, Site Code 002331
- River Barrow and River Nore SAC, Site Code 002162
- Ballynafagh Lake SAC, Site Code 001387
- The Long Derries, Edenderry SAC, Site Code 000925
- Ballynagagh Bog SAC, Site Code 000391

The AA Screening concluded that there are no European sites within the site and that no indirect hydrological impacts on Natura 2000 sites are relevant as a result of the proposed development. It is objectively concluded that no significant effects arising from the proposed development are likely to occur in relation to the identified Natura 2000 sites. I am satisfied that there will be no direct, indirect or cumulative significant impacts to the European sites arising from the proposed development and in this regard, it is reasonable to conclude that on the basis of the information on file which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other proposed development, would not be likely to have a significant effect any European Site in view of the sites' conservation objectives and a stage 2 appropriate assessment and submission of an NIS is not warranted.

8.0 Recommendation

In light of the foregoing assessment I recommend that planning permission should be granted in accordance with the following conditions and for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of national and regional policy objectives in relation to renewable energy, the provisions of the Kildare County Development Plan 2017 – 2023, the nature and scale of the proposed development, the brownfield nature of the site which has been radically altered for provide a gold course and the proximity of a potential grid connection, it is considered that, subject to compliance with the conditions set out below, the proposal would support national and regional renewable energy policy objectives, would not conflict with the provisions of the Development Plan, would not seriously injure the residential amenities of property in the vicinity, would not have unacceptable impacts on the visual amenities of the area, would not result in a serious risk of pollution, would be acceptable in terms of traffic safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 3rd of November 2020 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 ten years from the date of this Order.
Reason: In the interest of clarity.
3. (a) All structures including foundations hereby authorised shall be removed not later than 30 years from the date of commissioning of the development, and the site reinstated unless planning permission has been granted for their retention for a further period prior to that date.

(b) Prior to commencement of development, a detailed restoration plan, 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. 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. No works shall commence without the submission for the approval of the planning authority final details for the chosen solar panels.

Reason: In the interest of clarity.

5. (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of permission.
(b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or roads.
(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 interests of visual amenity and residential amenity

- 6 Before construction commences on site, details of the structures of the security fence showing provision for the movement of mammals shall be submitted to, and agreed in writing with, the planning authority.

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

7. 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.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

9. 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 interests of public health.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, to include a Construction Traffic 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.
Reason: In the interests of public safety and residential amenity.

11. The landscaping scheme shown on drawings, as submitted to the planning authority on the 3rd November 2020,
Reason: In the interest of residential and visual amenity.

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

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of

the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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

Caryn Coogan
Planning Inspector

26th of July 2021