



An  
Bord  
Pleanála

## Inspector's Report ABP-310272-21

### Development

Permission for a solar farm. The project will connect with and represents an extension to the adjacent solar farm under Planning Reference 20191272 (An Bord Pleanála Reference 306065-19). Permission is also sought for minor amendments to Planning Reference 20191272 (An Bord Pleanála Reference 306065-19). The solar farm will connect to the national grid by means of the 110kV substation permitted under An Bord Pleanála 305803-19 and will have an operational lifespan of 35 years.

### Location

Balloughter, Tullabeg and Ballyeden, Camolin, Co. Wexford.

### Planning Authority

Wexford County Council

### Planning Authority Reg. Ref.

20210271

### Applicant

Tullabeg Solar Farm Ltd.

### Type of Application

Permission

**Planning Authority Decision**

Refuse

**Type of Appeal**

First Party v. Refusal

**Appellant**

Tullabeg Solar Farm Ltd.

**Observer(s)**

Fiona and Kevin Markham

**Date of Site Inspection**

4<sup>th</sup> October 2021

**Inspector**

Máire Daly

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## 1.0 Site Location and Description

- 1.1. The subject site comprises four distinct parcels of land of varying sizes, which are relatively flat (varying from 40-60m above sea level) with a stated combined area of 40.98ha. The site is located in rural north County Wexford, c.1.5km east of the settlement of Camolin. The nearest larger settlement of Gorey is located c. 8km to the north east.
- 1.2. The M11 Motorway dissects the site with 3 no. parcels, Parcels 1, 2 and 3 located on the western side of the motorway and Parcel 4 located on the eastern side. The Dublin to Rosslare railway line is located c.70m north of Parcel 3. The 110kV overhead line (Crane to Banoge) is visible in places traversing the lands to the north west. The site of the proposed development is strongly agricultural in nature, with pasture being broadly dominant, followed by tillage and a strong network of deciduous hedgerows.
- 1.3. Parcel 1 which is comprised of 2 no. agricultural fields, is the southerly most site and is located within the townland of Ballyeden, situated to the south of the L-5092 local road and elevated above the M11 which lies to its immediate east. Parcel 2 which is also comprised of 2 no. agricultural fields is located directly to the north of Parcel 1, within the townlands of Ballyeden and Tullabeg, to the north of the L-5092 local road, again elevated above the M11 to the east. Parcels 1 and 2 are to be linked via an underground cable under the public local road and subsequently are to connect into the permitted 110kV substation approved under An Bord Pleanála (ABP) Ref. 305803-19, the site for which lies immediately to the north of Parcel 2. Parcel 3 is the northern most parcel, located in the townlands of Balloughter and Tullabeg and bound by the M11 on its eastern side and the River Brackan along its northern boundary. An intervening field separates this parcel from the Dublin to Rosslare railway line which runs to the site's north. The site comprises two agricultural fields and is to be accessed via the solar farm permitted under ABP Ref. 306065-19. Parcel 4, located in the townland of Balloughter is the largest of the subject land parcels comprised of 8 no. separate but connected agricultural fields. The site is located on the eastern side of the M11 motorway with access proposed from an existing agricultural/domestic entrance which in turn joins the L-5092 local road. The Worlough (Ballymore) River runs adjacent to the southern boundary of this parcel.

This parcel is to be connected to the permitted substation by means of an underground cable connection under the M11 motorway.

## 2.0 Proposed Development

2.1. The proposal entails a solar farm which will connect with and represents an extension to the adjacent solar farm permitted under Wexford County Council (WCC) Planning Reference 20191272 (ABP Ref. 306065-19), the main elements of the proposed development comprise:

- c. 160,000m<sup>2</sup> of solar panels located on 4 separately identified parcels of land. The panels will be positioned on angled racks comprised of galvanised steel that will be screw or driven-piled following geotechnical assessment, at a minimum height of 0.72m above the ground and rise to a maximum height of up to 2.3m to be set at an angle of c.10°.
- 5 no. single storey electrical inverter/transformer stations ranging in height from 2.9m to 3.4m, with a maximum floor area of 29.8sqm,
- Underground cabling including a 20kV cable connection which will run under the M11 motorway and connect Parcel 4 to the remainder of the solar farm,
- Security fencing, satellite communications pole, CCTV,
- Access tracks (including one agricultural bridge over a land drain) upgrades to one existing domestic/agricultural entrance,
- Temporary construction compounds,
- Landscaping and all associated ancillary development works.
- Construction and operational access will be via the L-5092.

A permission of 10 years is sought with the operational lifespan of the solar farm being 35 years. The proposed solar farm will connect to the national grid by means of the 110kV substation permitted under ABP Ref. 305803-19.

It is proposed to connect Parcel 1 and 2 via underground cables in the public road which will connect into the permitted 110kV substation approved under ABP Ref. 305803-19. The solar infrastructure in Parcel 3 will connect to an inverter permitted under ABP Ref. 306065-19. Parcel 4 is to be connected to the substation permitted

under ABP Ref. 305803-19 by means of an underground cable under the M11 Motorway.

Permission is also sought for minor amendments to Planning Reference 20191272 (An Bord Pleanála Reference 306065-19, Tullabeg Solar Farm), comprising the following:

- Removal of 4 no. linear metres of hedgerow in the northern field (extending out of proposed Parcel 3) to facilitate a 4 metre wide access track and dry drain crossing, and separately, the laying of underground cabling to connect the permitted and proposed projects.

2.2. The application is accompanied by:

- Planning and Environmental Statement
- Glint and Glare Assessment
- Ecological Impact Assessment (EclA) and Appropriate Assessment (AA) Screening Report
- Site Access Study and Drainage Study
- Archaeological, Architectural and Cultural Heritage Impact Assessment
- Outline Construction and Environmental Management Plan
- Site Specific Flood Risk Assessment
- Landscape and Visual Impact Assessment and Photomontages
- Landscape Mitigation Plan. Drawings for Parcel 1 & 2, Parcel 3 and Parcel 4.

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Planning permission was refused by Wexford County Council (WCC) for the following 3 no. reasons:

1. Over reliance on proposed new planting as a mitigation measure, which is considered unreliable and therefore there would remain an unacceptable

degree of impacts on residential amenity due to glare being experienced for prolonged times on residential properties. Proposed development would also present an unacceptable serious traffic hazard by reason of glare to northbound road users of the M11 motorway with potential for causing serious traffic safety issues.

2. The proposed solar farm in combination with the solar farm development permitted on adjacent lands form a prominent and obtrusive feature in the landscape which would be highly visible in views from roads in the vicinity which would adversely impact on the rural character of the area. The proposed development would seriously injure the visual amenities of the area and would conflict with Objective L04 of the Wexford County Development Plan 2013-2019 which seeks to protect the landscape.
3. Inadequate information provided with regards to baseline ecological data on potential impacts upon Annex IV bat species for which baseline data was obtained outside of the optimum survey time and having regard to the proximity of the proposed development to a nationally important maternity bat roost pNHA at Leskinfere Church and in the absence of robust baseline data, the proposed development is considered prejudicial to the protection of Annex IV species and local biodiversity.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The area planner's report dated April 2021 can be summarised as follows:

- Concerns raised in relation to the possible failure of proposed screen planting and the fact that same cannot be guaranteed to be sufficiently developed prior to the solar panels being placed on site, which is proposed from the 58 week point onwards.
- Planting cannot be relied upon 100% for mitigation to remove the potential for glare for traffic users of the M11 and therefore there is a very high risk of the proposed development causing a traffic hazard and endangering public health.

- A sub-optimal bat survey was submitted as part of the EclA and therefore the baseline gives an inaccurate measure of the extent of how the existing hedgerows and lands are being utilised for foraging bats. A Natterer's bat maternity roost which is also a pNHA Leskinfere Church, Clough is located c.3.4km from the site.
- Comments received from the Department of Housing, Planning and Local Government seeking further information on archeological impact were noted.
- Support for solar energy production is noted, as highlighted under the RSES and at a local level. The application should be viewed in the context of the already permitted adjacent solar farm granted under ABP Ref. 306065-19.
- The proposed development in combination with the already permitted adjacent solar farm will seriously injure the visual amenities of the area and would conflict with development plan Objective L04.
- The applicant has failed to provide adequate information regarding the cumulative visual impact. The submitted assessment does not include an appraisal of pre-mitigation impacts.
- Insufficient information has been provided on all field drains and the buffer zones incorporated into the design of the installations proposed surrounding said field drains. The Flood Risk Assessment Figure 2 'Local Hydrology and Field Drains' is not considered sufficient.
- The noise assessment report for construction and operational phase are considered inadequate.

A refusal of permission was recommended for 3 no. reasons (see Section 3.1 above for details).

### 3.2.2. Other Technical Reports

- WCC Environment Section – Report dated April 2021 recommended that Further Information be requested as follows:
  - Submit colour coded site layout maps for each land parcel to show all field drains and the buffer zones incorporated into the design of the installations



proposed surrounding said field drains. Flood Risk Assessment figure. 2 'local hydrology and field drains' is not sufficient.

- Revised site layout map requested showing the location of the temporary construction compounds and any waste storage areas within.
- Noise assessment report requested for construction and operational phases.
- WCC Chief Fire Officer – Report dated March 2021 - recommended conditions to include central provisions to be agreed with the fire authority prior to construction to ensure efficient fire service access onto the site in the event of an emergency.
- WCC Area Engineer – no response.

### 3.3. Prescribed Bodies

- Office of Public Works - no response received.
- Transport infrastructure Ireland (TII) - no response recorded by WCC at time of writing planner's report.

However, the Board should note that a response received from TII dated 19<sup>th</sup> April 2021 is noted on file. The response noted the following:

- The proposal, if approved, would create an adverse impact on the national road and would in the authority's opinion be at variance with guidance outlined in the Department of Environment, Community and Local Government's 'Spatial Planning and National Roads Guidelines for Planning Authorities (January 2012)' in relation to control of frontage development on national roads.
- The proposed M11 crossing is within the section of the network managed by Motorway Maintenance and Renewal Contract (MMaRC) contractor for TII and not Wexford County Council. Consent from TII therefore is required under Section 53 of the Roads Act to cross the M11 motorway.
- Section 4.2.1 of the Planning and Environmental Statement addresses Glint and Glare on Road Receptors and states that the Landscape Mitigation Plan addresses issues related to the M11. TII recommends that

the measures outlined in Section 4.2.1 of the Planning and Environmental Statement shall be incorporated into the project at the early stage as identified in the report.

- Minister for Environment - no response
- Health and Safety Authority - no response
- ESB - no response
- Geological Survey Ireland – response dated 19<sup>th</sup> March 2021 - comments in relation to data sets available.
- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media – response dated 1<sup>st</sup> April 2021 related to Archaeology which stated that following:
  - Recommend that a detailed Archeological Impact Assessment (AIA) be completed in advance of any planning decision. The AIA should be requested as further information to enable the National Monuments Service and the Local Authority to make an informed decision regarding any further archaeological requirements.

### **3.4. Third Party Observations**

3.4.1. One observation was received by the planning authority and is on file for the Board's information. The issues raised in this submission related to:

- Concerns regarding proximity of proposed inverter which is 25m from observers' front boundary gate. This is at a different location to that indicated at initial public consultation stage.
- Lack of national guidance and failure to assess cumulative impact of solar farm development.
- Contradiction between the statement in the Glint and Glare Report accompanying the planning application and the Planning and Environmental Statement from HWP Consulting at Section 2.3 regarding the actual tilt degree of the panels.
- Ecological Impact Assessment Report is fundamentally flawed specifically in relation to bat surveys carried out (at sub-optimal time) and lack of assessment of nationally important maternity roost at Leskinfere Church

pNHA. Inadequate information to determine if an Appropriate Assessment is required.

## 4.0 Planning History

### 4.1. Partially on site and adjacent to site:

- ABP Ref. 306065 – Permission granted in September 2020 for a solar farm containing 384,000 m<sup>2</sup> of photovoltaic panels on a site area of c. 99.8 hectares.

This site adjoins the current proposed site and amendments to same are proposed as part of the current appeal.

- ABP Ref.305803-19 – SID application granted in September 2020 for a 110kV substation and grid connection to serve solar farm (under Wexford County Council Reg. Ref. 20191272). This site adjoins the northern boundary of Parcel 2 of the subject appeal site.

## 5.0 Policy Context

### 5.1. National Policy

#### ***National Planning Framework***

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.

#### ***National Renewable Energy Plan 2010***

The National Renewable Energy Action Plan (NREAP) sets out the Government's strategic approach and measures to deliver on Ireland's 16% target Directive 2009/28/EC. It states that the Government has set a target of 40% electricity consumption from renewable sources by 2020.

#### ***Strategy for Renewable Energy 2012-2020***

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

### ***Adapting to Climate Change and Low Carbon Act 2015***

This Act sets a statutory framework for the adoption of plans to ensure compliance with Ireland's commitments to European and international agreements on climate change. It commits to a carbon neutral situation by 2050 and to also match Ireland's targets with those of the EU. It requires that the Minister for Communications, Climate Action and the Environment make, and submit to Government, a series of successive National Mitigation Plans and National Adaptation Frameworks.

### ***Ireland's Transition to a Low Carbon Energy Future 2015-2030***

Accelerate the development and diversification of renewable energy generation to be achieved through a number of means including wind, solar PV and ocean energy.

### ***Climate Action Plan, 2019***

The plan stresses the importance of decarbonising electricity consumed by harnessing the significant renewable energy resources. Ensuring the building of renewable rather than fossil fuel generation capacity to help meet the projected growth in electricity demand is essential. Ensuring increased levels of renewable generation will require very substantial new infrastructure, including wind and solar farms, grid reinforcement, storage developments, and interconnection.

To meet the required level of emissions reduction, by 2030 it is required to increase electricity generated from renewable sources to 70% comprising of up to 3.5GW of offshore energy, 1.5 GW of grid-scale solar energy and 8.2GW of onshore wind capacity (indicative figures).

## **5.2. Regional Policy**

### ***Regional Spatial and Economic Strategy for the Southern Region***

The Strategy came into effect on 31st January 2020. The following are policies relevant to the current proposal:

- *Objective RPO 87 - Low Carbon Energy Future*

The RSES is committed to the implementation of the Government's policy under Ireland's Transition to a Low Carbon Energy Future 2015-30 and Climate Action Plan 2019. It is an objective ..... increase the use of renewable energy sources across the key sectors of electricity supply, heating, transport and agriculture.

- *Objective RPO 95 - Sustainable Renewable Energy Generation*

It is an objective to support implementation of the National Renewable Energy Action Plan (NREAP), and the Offshore Renewable Energy Plan and the implementation of mitigation measures outlined in their respective SEA and AA and leverage the Region as a leader and innovator in sustainable renewable energy generation

- *Objective RPO 100* seeks to “support the integration of indigenous renewable energy production and grid injection”.
- *Objective RPO 219* states that “it is an objective to support the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers (subject to appropriate environmental assessment and the planning process) to ensure the energy needs of future population and economic expansion within designated growth areas and across the Region can be delivered in a sustainable and timely manner and that capacity is available at local and regional scale to meet future needs.
- *Objective RPO 221* states that Local Authority City and County Development Plans shall support the sustainable development of renewable energy generation and demand centres such as data centres which can be serviced with a renewable energy source (subject to appropriate environmental assessment and the planning process) to spatially suitable locations to ensure efficient use of the existing transmission network.

### 5.3. Local Policy

#### ***Wexford County Development Plan 2013-2019***

- *Objective EN07* - To encourage and favourably consider proposals for renewable energy developments and ancillary facilities in order to meet national, regional and county renewable energy targets and to facilitate a reduction in CO2 emissions and the promotion of a low carbon economy, subject to compliance with development management standards in Chapter 18 and compliance with Article 6 of the Habitats Directive.
- *Objective EN10* - To prepare a Renewable Energy Strategy for County Wexford during the lifetime of the Plan which will build on and support the Wind Energy Strategy 2013-2019, any Climate Change Strategy prepared for

the County and the National Renewable Energy Action Plan (Department of Communications, Energy and Natural Resources, 2010).

- *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.
- *Objective L04* – To require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised.

Map 13 of the CDP 2013-2019 shows Landscape Units and Features. The subject appeal site is location in an area designated as 'lowlands'. Volume 3 of the Plan consists of a Landscape Character Assessment and Section 1.2.2 states that 'the Lowland unit generally has characteristics which have a higher capacity to absorb development without it causing significant visual intrusion although, care still needs to be taken on a site by site basis, particularly to minimise the risks of developments being visually intrusive'.

#### **5.4. Natural Heritage Designations**

- 5.4.1. The Slaney River Valley SAC (site code 000781) is c.2km to the west of the proposed site. Leskinfere Church, Clogh which is designated as a pNHA is located c.3.4 km north east of the subject site.

#### **5.5. Environmental Impact Assessment**

- 5.5.1. The construction of a solar farm does not involve a class of development set out in Parts 1 and 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended). Accordingly, there is no requirement for the applicant to submit an Environmental Impact Assessment Report in this instance.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The submission by HW Planning on behalf the applicant against the planning authority's notification of decision to refuse permission can be summarised as follows:

6.1.2. Response to Refusal Reason No.1:

- This first refusal reason is not substantiated in any way and conflicts with the precedent established by ABPs granted permission for phase one (Tullabeg Solar Farm).
- Solar panels by their nature are designed to absorb rather than reflect light for the purposes of capturing solar energy and converting it to electricity. The reflection from solar PV modules is almost negligible.
- The modelling conducted for the Glint and Glare report does not account for climate and inherent weather patterns that occur. As such they represent a worst case scenario.
- Parcel 3 is the only portion of the array that generates any potential for reflectance effects in a pre-mitigation scenario. Panels in the northwest corner of Parcel 3 as well as the section running parallel to the road were removed to avoid potential glare on road users.
- Elsewhere it was determined that the potential for all other reflectance could be mitigated through landscape mitigation planting. The Landscape Mitigation Plan was developed and tested against glare scenarios. Hedgerows along the eastern perimeter of Parcel 3 are to be managed at 6m heights to ensure there is no residual glare.
- The proposed development is to be constructed in parallel with the permitted Tullabeg Solar Farm. Landscape mitigation which includes advanced nursery stock and a temporary agricultural netting screen would be planted/erected at commencement of the 75 week of the construction program. Solar panels will be installed from construction week 58 onwards which will allow for 2 growing seasons prior to this to achieve the desired height.

- The Board should note however that planting mitigation for the subject application if permitted could in fact take place simultaneously with Phase 1 of the solar farm (i.e. ABP 306065-19) therefore 103 weeks or 3 growing seasons could be in place prior to construction of Phase 2 (current application).
- Stock proof fencing will also be installed at construction week 1 at proposed hedgerow locations which will provide additional screening until such a time as vegetation is developed.
- A hedgerow maintenance and management program would ensure that mitigation is maintained at the required 6 metre heights.
- The landscape screening proposed comprises a triple staggered rule of planting to provide thickness and allow for inter and underplanting of different species.
- Only two houses H16 and H17 will continue to experience minor reflectance impacts following established mitigation but these impacts will be at a 'low-none' impact level.
- There is no conclusive evidence to suggest that the proposed Landscape Mitigation will not establish or fail resulting in adverse Glint and Glare impacts on residential and road receptors. The design of the development has considered this in full and appropriate monitoring and maintenance contingency safeguards would be put in place. These measures can be applied by way of conditions similar to those under permissions reference ABP 306065 -19.

#### 6.1.3. Response to Refusal Reason No.2:

- The subject site is located within a designated 'Lowlands' landscape area which has an acknowledged capacity to absorb development without causing significant visual intrusion (as stated in the development plan). The LVIA confirms the proposed solar farm will not give rise to any significant residual impacts and therefore will not conflict with Objective LO4 of the Plan.
- None of the Selected Viewpoints listed in the photomontage set and associated Landscape and Visual impact (LVIA) were considered to have a



visual impact significance greater than 'slight'. 4 viewpoints VP1, VP4, VP7 and VP13 were deemed to have a visual impact significance of 'slight', while three, VP5, VP9 and VP 11 were deemed to have a visual impact significance of 'slight-imperceptible' while six of 13 number viewpoints experienced an 'imperceptible' visual impact significance.

- The local landscape will be further supplemented and enhanced by mitigation planting proposals i.e., through enhanced hedgerows.
- No justification is offered as to why the subject site is not considered appropriate for solar farm development given that it was considered acceptable at pre-planning stage and also given that the previous permitted development under 20191272 (ABP. Ref. 306065) was considered acceptable in this landscape character area.

#### 6.1.4. Response to Refusal Reason No.3:

- The appeal is supported by a dedicated statement from Ecology Ireland. The findings of the additional survey work completed reinforces that there is no expectation that any bats that roosts at Leskinfere Church forage or commute through the subject site. It is further highlighted that the mitigation and landscape enhancement plan for the site would predictably lead to a progressive improvement in foraging/commuting resource value of the site for bats.
- There is no basis to refuse the proposed solar farm on grounds related to potential impacts on Annex IV bat species.

#### 6.1.5. Response to Other Matters:

- It should be noted that matters identical to the referenced grounds of refusal were considered to the full satisfaction of An Bord Pleanála under permitted reference 306065-19.

#### TII Submission:

- The Board will note that the Council's decision does not reference any TII submission.

- The proposed solar farm does not meet the definition of ‘frontage development’ as set out in the 2012 Spatial Planning and National Roads Guidelines.
- For clarity the proposed development will not be accessed directly from the national road network, it will be accessed via the L-5092 local road.
- Parcels 1 and 2 are separated from the M11 by localised access roads.
- Small parts of Parcels 3 and 4 have boundaries adjacent to the motorway however panels and security fencing have been set back a comfortable distance from the roadside boundary and they would be separated by intervening hedgerows.
- Circular letter PL 01/2021 states that consent for works in, on, over and under a public road is not required at planning application stage once the works will be carried out by statutory undertaker. In this regard a letter of confirmation from the applicant has been submitted with the planning application.

#### Noise

- The submitted Planning and Environment Statement included a detailed section on potential noise impacts.
- Potential noise impacts during construction stage will be controlled in accordance with all relevant British standard codes of practice.
- There would be no noise impact during the operational phase of development. The only components of the solar farm which emit noise are the inverters and transformers which have a very low level hum, these will be housed in noise insulating prefabricated structures where noise will be unperceivable. Furthermore, this infrastructure is positioned away from residential receptors.

#### Drainage

- All relevant drainage and local hydrology features are identified in the submitted Flood Risk Assessment. Minimum set back distance of nine meters from the Brackan and Worlough River and 5 metres from all open drains have been incorporated into the design.

- Subject to appropriate design specifications the installation of solar PV arrays will not give rise to increased surface water runoff in this agricultural setting. Surface water will continue to be accommodated via the network of perimeter drains which have adequate drainage capacity.

### Construction Management

- It is proposed to plant the mitigation screening for Balloughter solar farm at commencement of construction of Tullabeg solar farm thus giving c.103 weeks growth before construction commences on solar farm which translates into three growing seasons. Commencement of construction is earmarked for March 2024.
- A final CEMP would be prepared prior to commencement of development. This would include a detailed traffic management plan and risk assessed method statements.

6.1.6. The appeal statement was also accompanied by the following supporting documents:

- Landscape Appeal Statement by Macroworks, including Outline Hedgerow Planning, Monitoring and Maintenance Schedule (dated May 2021)
- Ecology Appeal Statement by Ecology Ireland.
- Construction and Mitigation Planting Programme – Balloughter Solar Farm.

### **6.2. Planning Authority Response**

- None received.

### **6.3. Observations**

6.3.1. One observation was received from Mr and Mrs Kevin Markham, which can be summarised as follows:

- Observers' lands adjoin Parcel 1 and therefore they have concerns about the proximity of the proposed solar farm to their property, in particular in the absence of any national guidance on the suitability of solar farms and appropriate distances from residential properties.

- The UK BRE Planning Guidance for Solar PV Systems p.14 advises that the issue of cumulative impact for such developments should be considered and addressed when preparing a planning application. There is no reference to the cumulative impact of the proposed solar farm in combination with the granted solar farm in any of the documentation lodged.
- It is a concern that Schedule 5 of the Planning and Development Regulations 2001 does not currently capture solar farm development.
- The proposed development is contrary to Objective L04 of the county development plan.
- The Landscape Character Assessment (LCA) within the Wexford County Development Plan 2013 to 2019 is out-of-date. As a result, policies relating to landscape contained in the current CDP are based on an outdated LCA which do not consider the impacts of large-scale solar farm projects. In addition, there is no National Landscape Character Assessment in place which would assist in assessing these types of projects.
- It is not clear what the angle of pitch of the panels will be. The Glint and Glare Report notes 'Most likely at a pitch of 10 degrees' however the Planning and Environmental Statement states that the solar panels 'will be tilted at 10 degrees'. It is therefore not possible to make a fully informed decision on the impacts of this application.
- The EclA is fundamentally flawed due to lack of relevant and up to date data and as a result it is not possible to make an informed decision as regards Screening for Appropriate Assessment. Deficiencies are noted in survey data, sub-optimal survey times and information in relation to possible bat maternity roosts. As a result of the above it is not possible to carry out a fully informed and correct screening decision (In accordance with EU and national law) to determine if an Appropriate Assessment is required.

## 7.0 Assessment

- 7.1. The proposed development represents an extension to the adjoining Tullabeg solar farm permitted under ABP Ref. 306065-19 and will connect to the national grid by means of a 100kV substation permitted under ABP Ref. 305803-19.
- 7.2. In addition to the proposed solar farm, the application also seeks permission for minor amendments to the development previously permitted under ABP Ref. 306065-19 comprising of the removal of 4 no. linear metres of hedgerow in the northern field (Parcel 3) to accommodate a 4m wide access track and dry bridge and separately the laying of underground cabling to connect the permitted and proposed projects.
- 7.3. Having examined all other documentation on file, including all of the submissions received in relation to the appeal and the planning history of the site and surrounding area, considered national and local policies and guidance and inspected the site, I consider the main issues which need to be examined in relation to the development are as follows:

- The Principle of the Development
- Residential Amenities
- Landscape and Visual Impacts
- Road Safety and Access
- Flooding and Drainage
- Archaeology and Cultural Heritage
- Ecology
- Waste Management
- Appropriate Assessment

### 7.4. The Principle of the Development

- 7.4.1. Renewable energy development is supported in principle at 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. It is also an action of the NPF under National Policy Objective no. 55 to '*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*'.

7.4.2. Notwithstanding the general acceptability of solar power as a form of energy generation, the land-use policy and spatial framework is poorly developed, and there is no guidance on the type of land or landscape which would be most appropriate. The site is located on agricultural lands that are outside any designated settlement. As stated, there is no national guidance in relation to the location of solar energy facilities. Although national policy seeks to increase agricultural productivity, the scale of the proposed facility is such that it would not be likely to compromise this strategic objective. Furthermore, the facility is located adjacent to a permitted electricity substation and underground grid connection (ABP Ref. 305803-19), and although not yet implemented, would facilitate the proposed development.

7.4.3. The Wexford County Development Plan 2013-2019 (operative CDP) is supportive of renewable energy in general, and solar power and acknowledges the geographical advantages of the area in this respect. Objective EN07 in particular encourages this type of development and states that proposals for renewable energy developments and ancillary facilities should be considered favourably in order to meet national, regional and county renewable energy targets and to facilitate a reduction in CO<sub>2</sub> emissions and the promotion of a low carbon economy, subject to compliance with development management standards in Chapter 18 and compliance with Article 6 of the Habitats Directive.

7.4.4. In summary, I note that there is policy support for this type of development at national, regional and local policy levels and I am satisfied that the proposed development is suitably located and is acceptable in principle.

## 7.5. Residential Amenities

7.5.1. The planning authority's refusal reason no.1 outlines concerns in relation to the reliability of the proposed new planting as a mitigation measure to reducing any potential impacts from glare on residential amenity and traffic. Concerns in relation to traffic are addressed under Section 7.7 below. This section examines the impacts on residential amenity in detail.

## Glint and Glare

- 7.5.2. The planning authority in their justification for refusal reason no.1 state that given the solar panels are to be placed on site from week 58 onwards, insufficient time has been allowed to obtain the visual screening necessary to prevent impacts from glint and glare and also that the photomontages presented demonstrate a misleading level of screening. The concern expressed by the planning authority is therefore that the failure of planting as a mitigation measure is a possibility and therefore it cannot be relied on 100% to remove the potential for glare.
- 7.5.3. The four parcels that comprise the subject site are located within a rural area which is characterised by dispersed one off housing and some farm buildings located along the local road network. The submitted Glint and Glare Assessment examined a total of 43 dwelling houses in the vicinity of the site. Analysis using terrain-only data identified that glint and glare is geometrically (theoretically) possible at 27 of these. Further analysis taking account of existing screening inherent across the study area (using a Digital Surface Model – DSM) and on site verification of the analysis results indicates that just two dwellings could hypothetically have the potential to be affected by glint and glare at construction week 50 if no mitigation measures were proposed/implemented. The subject dwellings H16 and H17 are located c.180m and c.140m respectively to the west of Parcel 4.
- 7.5.4. Regarding H16 - The DSM based analysis results indicate there is no potential for reflectance to occur at the ground floor of this dwelling and that the maximum number of days with the potential for reflectance to occur at the first floor would be 16. Following mitigation this would be reduced to 10 minutes over 81 days of the year, the magnitude of impact at this dwelling was therefore determined at Low-None.
- 7.5.5. Regarding H17 – The DSM based analysis results which take account of the intervening screening but not the proposed mitigation planting, indicate that the maximum number of minutes per day with the potential for reflectance to occur at this dwelling would be 12mins/day over 75 days of the year. The second set of DSM based analysis results, take account of both the existing vegetation and the proposed mitigation planting, indicated the proposed mitigation measures will assist with screening, fully screening the ground floor and reducing the maximum number

of minutes per day to 8 minutes over 62 days of the year on 1st floor. Therefore, the magnitude of impact office dwelling will be low – none.

7.5.6. I note that concerns are raised as part of the submission received in response to the appeal in relation to the angle of pitch of the proposed solar panels. The observers note that Section 2.1 of the Glint and Glare Assessment notes that the panels are ‘most likely at a pitch of 10 degrees’ however the Planning and Environmental Statement states that the solar panels ‘will be tilted at 10 degrees’. The observers argue that it is therefore not possible to make a fully informed decision on the impacts of this application. I note the Glint and Glare Assessment’s reference to the pitch being ‘most likely at 10 degrees’ and that the submitted Site Section drawings (DWG No. LD.TLLBG II 2.3) reflect a measured angle of c. 10 degrees. In addition, I note that given the optimal angle for this type of solar panel is identified at c. 10 degree angle, I see no issue in the descriptions given in either the Glint and Glare Assessment or the Planning and Environmental Statement and I am satisfied that the assessments completed took adequate account of the proposed angle and the results of same assessments are considered satisfactory.

7.5.7. Overall, I accept the findings of the report that no significant nuisance is predicted from glint and glare on residential properties, and I am satisfied that the proposed mitigation in the form of proposed mitigation planting will sufficiently screen the proposed solar panels and reduce any impacts to residential properties to an imperceptible level.

#### Noise

7.5.8. Noise is another potential impact on residential property. The applicant anticipates that the main noise impacts will arise in the construction phase from excavation for and construction of the solar arrays, construction of internal roads and the inverter/transformer elements. Noise management measures have been included in the submitted Outline CEMP including appropriate location of equipment and construction compounds having regard to topography and screening, appropriate training for managers and operatives, limiting construction hours and sequencing construction works to avoid noise where possible. Plant will be chosen for its noise limiting characteristics and will be operated in accordance with the British Standard



BS5228-1:2009 and A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Noise.

#### Construction Compounds and Inverters/Transformers

- 7.5.9. The construction period for the subject proposed development is estimated at 24 weeks. Three temporary construction compounds are proposed as part of the construction stage of the development. These are to be sited within Parcels 2, 3 and 4. The proposed compound in Parcel 2, which is also to serve Parcel 1, is located c. 55m northeast of the nearest proposed dwelling house (identified as H15 in the Glint & Glare Assessment - G&GA). A proposed inverter/transformer station is to be located south of this construction compound, c. 78m south east of the nearest dwelling house (H15). The proposed inverter/transformers are to be housed in noise insulated prefabricated structures where noise would be unperceivable. The submitted Site Layout Plan for Parcel 1 identifies no transformers/inverters on this parcel, however I do note that the site is to connect to Parcel 2 via an underground cable connection, under the L5092 local road and into the inverter/transformer located at this site. The temporary construction compound within Parcel 4 is to be located c.160m from the nearest dwelling house, identified as H18 from the G&GA. 3 no. inverters/transformers are to be located within Parcel 4, with a proposed satellite mast adjacent to the northern most inverter. The southernmost inverter/transformer is the closest to any noise sensitive receptors which include a dwelling houses (H18) located c. 365m to the southwest and farm buildings located c. 245m to the south west. Parcel 3 is to be served by a temporary construction compound that its significantly removed from any nearby residential properties and is to be positioned c. 23m from the eastern site boundary, which also forms a boundary with the M11 motorway. An inverter/transformer station is to be located to the immediate south of this compound, again removed from any noise sensitive receptors.
- 7.5.10. I consider that the applicant has adequately assessed the likely impact on residential amenity arising from the construction phase noise and I conclude that no serious injury to residential amenity will arise from this source. Additionally, I conclude that given the nature of the proposed development and the position of infrastructure away from noise sensitive receptors, that the operational phase of the proposed development will not generate noise in a manner which would seriously injure the amenity of property in the vicinity.

## 7.6. Landscape and Visual Impacts

- 7.6.1. The planning authority's second reason for refusal states that the project would conflict with Objective L04 of the Wexford County Development Plan 2013-2019 in respect of landscape protection, and in particular in relation to the perceived visual prominence of the development and the impact on the rural character of the area. I note also that a similar issue was raised in the observation received on the appeal with the observers raising concerns in relation to the lack of assessment of cumulative impacts of same. In addition, the observers state that the current Wexford Landscape Character Assessment (LCA) is out of date, having been completed some 14 years ago, and does not have the capacity or ability to deal with the potential impacts of large-scale solar farm projects on the landscape.
- 7.6.2. The subject site covers an area of c. 40.95ha divided into 4 no. land parcels within an undulating landscape, largely in agricultural use, with the highest points being the northern section of Parcel 1 and the southern section of Parcel 2. As per the operative CDP the site and surrounding landscape is located within a 'Lowland' landscape unit as defined in the Wexford LCA, an area which is not designated as a 'landscape of greater sensitivity' for which more protective development plan objectives are required. It is considered that this landscape unit has a higher capacity to absorb development without causing significant visual intrusion. In addition I note that there are no listed views or prospects in the vicinity. While I note that the existing LCA has been in place for a number of years now, I would consider the assessment of the landscape presented in same is still of relevance. Notwithstanding this, it should be borne in mind that each proposed development still needs to be considered on a site-by-site basis and I have carried out this assessment as part of my report as follows.
- 7.6.3. A Landscape and Visual Impact statement has been submitted by the applicant in response to the planning authority's concerns (refusal reason no.2). This statement refers to the LVIA and the Landscape Mitigation Plan originally submitted with the application. Having examined both documents I would consider that the proposed development has taken account of the landscape character of the area through the siting of the proposed solar panels on the various parcels (including the iterative processes followed in design layout and the highlighted amendments that were made to the layout, in particular noting the scaling back in the area of solar panels on

the north-western section of Parcel 3, as well as the section running parallel to the M11 to reduce glint and glare impacts). The landscape area in which the subject development is to be located is comprised of undulating terrain and an established hedgerow network which assist in screening any development. The Board will note that the applicant intends to retain the existing hedgerows as much as possible save for c.47m which is proposed to be removed/trimmed to facilitate site access and sightlines, all of which is to be reinstated at a later stage in the construction period of the project to mitigate any significant visual impacts. This will be separate to the c.1567 linear metres of new native hedgerow (Type 2 hedgerow, see figure 16 of the LVIA) which is to be planted along the site boundary. This new hedgerow is to be comprised of advanced nursery stock and a native whip planting mix. Where such 'Type 2' planting aligns with the M11 motorway (650m along Parcel 3) it is to be managed at a height of 6m, thus when fully established reducing visibility of the solar farm significantly. An Outline Hedgerow Planting, Monitoring and Maintenance Schedule has been submitted with the appeal which details the proposed plant species to be used, planting methods and maintenance. A condition requiring appropriate implementation and monitoring of same by a qualified landscape architect is recommended should permission be granted.

- 7.6.4. The planning authority raised particular concerns in relation to parts of development being highly visible from roads in the vicinity, thus impacting on the rural character of the area. While I notice that there are occasional open views of parts of the development site from certain routes in a pre-mitigation scenario, as outlined in the LVIA these views will be substantially screened once the solar panels are installed and landscape mitigation is established. In terms of residual visual impacts, of the 13 no. viewpoints assessed none were considered to have a visual impact significance greater than 'slight'. 4 no. viewpoints (VP1, VP4, VP7 and VP13) were deemed to have a visual impact significance of 'slight' and a further three were deemed to have visual impact significance of 'slight-imperceptible' (VP5, VP9 and VP11), while almost half of the viewpoints experienced an 'imperceptible' visual impact significance. I note that the 3 no. recorded viewpoints along the M11 (VP4, VP5 and VP6) recorded a visual impact significance from 'imperceptible' to 'slight'.
- 7.6.5. The area possesses a strong inherent network of hedgerows, some of which as outlined above are proposed for removal as part of the development to allow access

and construction works to occur, however I note that where removal is proposed the mitigation and restoration measures as outlined in Section 1.3 of the LVIA and the Landscape Mitigation Plan drawings submitted seek to address these gaps. I am therefore satisfied that even where residual visibility of the proposed development occurs it will be in the context of a broad rural landscape that is capable of absorbing such development and therefore is considered to be of an appropriate scale

### Cumulative Impacts

- 7.6.6. Refusal reason no.2 also references the effects of the proposed development '*in combination with the solar farm development permitted on the adjacent lands*'. The applicant in the Landscape and Visual Assessment statement submitted as part of the appeal documentation states that this was a key consideration of the project LVIA as the two developments (Tullabeg and Balloughter (if permitted)) are likely to read as one single development. The permitted Tullabeg Solar Farm (ABP. Ref 306065-19) comprises an area of 99.8ha, located immediately adjacent to the proposed 4 no. parcels of the subject proposal, therefore it is wholly relevant that both developments (permitted and proposed) should be considered for their cumulative impacts on the landscape and surrounding amenities. In addition, the permitted 110kV electricity substation, and 2 no. end masts (ABP Ref. 305803-19) which connect the permitted Tullabeg Solar Farm to the electricity transmission line (and will connect the subject solar farm also if permitted) need to be considered in relation to cumulative visual impacts. I submit that the LVIA and the submitted photomontages are a useful tool to assist in this assessment and I consider that that they have been presented in a reasonable and competent manner.
- 7.6.7. The submitted photomontages use viewpoints chosen from the LVIA study and depict the existing views as well as the proposed 'cumulative montage views' at these different points, for example the photomontage for VP4 in my opinion clearly depicts the cumulative impact of the previously permitted developments outlined above with that of the proposed solar farm extension at Balloughter. This viewpoint looking south along the M11 motorway also includes for the proposed landscape mitigation. In more than half of the selected 13 viewpoints the cumulative visual impact significance was deemed to be imperceptible. This was typically as a result of either the intervening inherent mature field boundaries or else as a result of the proposed mitigation measures. Only two of 13 viewpoints resulted in a cumulative

visual impact significance that is higher than 'slight'. These viewpoints VP1 and VP13 were deemed to be 'moderate' and 'moderate slight' respectively, this is mainly due to their elevated position. In both instances it is the permitted development that is the more noticeable of the two developments, therefore the contribution of the proposed development to cumulative impacts is very minor.

7.6.8. As part of the submitted Glint and Glare Assessment the cumulative impact of the proposed development was also considered in combination with that of the permitted Tullabeg Solar Farm. Overall, the magnitude of visual impact is deemed to be medium, albeit similar to the visual impact above the contribution to the cumulative impact from the proposed development is much less than that from the nearer permitted Tullabeg solar farm.

7.6.9. Whilst there is no doubt that the proposed development would change the local landscape from a visual perspective and see an increase in this form of landuse in the local area, in my view the established landscape is capable of absorbing this change. In addition, I would consider in broader landscape planning terms that the proposal could be seen as a consolidation of solar development in an area that is already influenced by the permitted Tullabeg solar farm. In many ways this proposed consolidation of solar development is preferable over the alternative which may see a dispersed pattern of solar farm development across other separate more sensitive areas of landscape. I submit that the setting, which is a working rural landscape would, following mitigation, have a low visual impact and any residual views remaining would be intermittent and of a low impact. Having regard to the mitigation measures proposed, I am satisfied that the proposed development would not adversely impact on the landscape and visual amenities of the area including those from adjoining properties.

## 7.7. Road Safety and Access

### Glint and Glare

#### M11 Motorway Users

7.7.1. Solar farms have the potential to cause significant impacts on road and rail users in terms of visual impacts and glint and glare. Although a specified set back distance is not recommended, proposals are assessed having regard to siting, layout and design, the surrounding topography and the potential impacts on road and rail users.

Refusal reason no.1 states that the proposed development would present an unacceptable serious traffic hazard by reason of glare to north bound road users of the M11.

7.7.2. I note the TII's response to the planning authority dated 19<sup>th</sup> April does not raise any specific concerns in relation to glint and glare on M11 road users but does recommend that the measures outlined in Section 4.2.1 of the Planning and Environmental Statement shall be incorporated into the project at the early stage as identified in the report. The Board should note that this submission was not taken into account in the planning authority's planner's report (date signed 16<sup>th</sup> April).

7.7.3. Section 4.2.1 of the submitted Planning and Environment Statement, titled 'Road Receptors', details the assessment that was carried out by the applicant which included 'Digital Surface Modelling' and identified that there was potential for reflectance to the M11 which required further investigation. As a result, detailed visibility and glare scenario testing was carried out at 49 no. key road receptor points along the M11 to gain an understanding of which sections of the motorway may be potentially impacted and if/how this potential impact could be eliminated. 10 no. transport receptor points relating to northbound traffic were identified as having the potential to be impacted by glint and glare in the absence of specific mitigation measures. Following this assessment panels in the northwest corner of Parcel 3 (northern most parcel), as well as the section running parallel to the road were removed to avoid glare. Elsewhere it was determined that the potential for all other reflectance could be mitigated through landscape mitigation planting which is to be integrated with the proposed construction programme. The landscape screen proposed in the application comprises a triple staggered row of planting to provide thickness and allow for inter and underplanting of different species (Drawing No. LD.TLLBG II 3.1-3.3 of the Landscape Mitigation Plan (LMP) illustrates). The submitted LVIA states that all but one mature tree and approximately 4 meters of existing hedgerow (located within Parcel 3) are to be retained on site, however I note that an addition 47m of hedgerow is also proposed to be removed/trimmed back to facilitate site access to Parcel 4, though same is to be reinstated. It is also proposed to bolster c. 5465m of existing hedgerow where necessary to fill any existing gaps. This landscape mitigation is designed to screen potential reflecting solar panels from the entire length of adjacent motorway sections and not exclusively from the

individual receptor point locations identified. The Landscape Mitigation Plan was developed and tested against glare scenarios, and specifically Point no.4 of the 'Design Approach' listed on page 7 of the appeal response received states that 'the hedgerows along the eastern perimeter of Parcel 3 are to be managed at 6-metre heights to ensure there is no residual glare'. This is reinforced on the submitted LMP drawing no. LD.TLLBG.II 3.2 which identifies the eastern boundary of Parcel 3 which is to comprise of 'Hedgerow Type 2 (6m)'. The remaining Parcels have Hedgerow Type 2 identified to a max height of 3-4metres which the applicant states will ensure sufficient mitigation from glint and glare. New advanced nursery stock is to be used on the proposed hedgerows and is to be comprised of native species including Hawthorn, Blackthorn, Holly, Guelder Rose, Dog Rose, Hazel and Spindle.

- 7.7.4. In addition to the screen planting, stock-proof fencing with agricultural wind-stop netting will also be erected on construction week 1 at the locations of the proposed hedgerows that align the boundary of the motorway corridor. This will support the establishment and growth of the proposed hedgerows and will also provide an element of additional temporary visual screening until such a time as the vegetation takes over. From an examination of the submitted LVIA Photomontages I note that part of the western element of the solar panels located in Parcel 3 will be visible from Viewpoint (VP) 4 between receptor points R161 and R162, in addition to parts of the permitted solar farm under ABP Ref. 306065-19. This viewpoint looks southwest from the M11 at Parcel 3, however as stated in the submitted Glint and Glare Assessment, an analysis of these two road receptor points shows no potential for any impact, even prior to mitigation planting. The report states that this is because reflectance cannot occur to the north of a south facing PV panel. VP5(b) gives a more accurate indication of what the viewpoint will be for northbound traffic on the M11. This viewpoint looks northwest from the edge of the motorway and at this point is at a lower elevation than VP4 thus visibility of the solar farm is reduced. The Cumulative Montage View of VP5(b) with mitigation planting in place illustrates no glint and glare effects on northbound road users.

#### Construction Timing and Planting

- 7.7.5. The total construction timeline for the entire development (Phase 1 and 2) was originally stated at c.75 weeks, with the solar panels to be installed later in the programme between weeks 58 and 75. The construction period for the subject

proposed development (Phase 2 – extension) will be approximately 24 weeks. However, the applicant in their appeal statement highlights that due to delays experienced as a result of the refusal of the subject application by WCC, Phase 2 of the development, or the current application, will no longer be undertaken alongside Phase 1 (ABP. Ref 306095). The applicant states that while not desirable from a commercial project construction point of view, these circumstances do present unexpected benefits in relation to proposed landscape mitigation planting. Further to any grant of permission, the mitigation screening for the Balloughter Solar Farm (current application) can still be planted on commencement of construction of the Tullabeg Solar Farm (approved under ABP Ref. 306065), with the installation of solar panels and associated electrical works following on. Based on lead in times, this will provide for c.103 weeks (as opposed to 58 weeks as originally proposed) of growth before the solar panels are installed at Balloughter, the equivalent of three growing seasons instead of two as originally proposed. The applicant stresses however that two growing seasons is in fact considered wholly appropriate to ensure the robust establishment of plant screening. I note that the appeal is also supported by an Outline Hedgerow Planning, Monitoring and Maintenance Schedule which sets out the composition of planting species and specific planting and maintenance methods that will be deployed to ensure that mitigation planning will achieve the required heights prior to installation of these solar panels.

- 7.7.6. I am satisfied that sufficient evidence has been provided to substantiate the conclusions that subject to suitable mitigation the proposed development would not give rise to glint and glare on the M11 and, therefore, would not endanger public safety by reason of traffic hazard. A condition requiring appropriate landscape management and maintenance is recommended should permission be granted.

#### Local Road Network

- 7.7.7. In terms of the local road network 113 receptor points were assessed in a similar manner to the points along the M11. Glint and glare are theoretically possible at 64 points. Further analysis, taking account of existing screening using a digital surface model which was supplemented with onsite verification concluded that three of these local road receptor points could be affected by glint and glare if no mitigation measures were implemented. These points were identified at R42 which is immediately north of Parcel 1 on the L-5092 and R45 and R46 which are located



immediately to the east of Parcel 1 on the L-5092. The mitigation measures as proposed to address the residual reflectance impacts predicted are comparable to those as detailed for the M11 and entail planting of advanced nursery stock at the commencement of construction.

- 7.7.8. On the basis of the information provided, coupled with the very low volume of relatively slow-moving traffic on this road, it is predicted that the residual reflectance impacts are unlikely to prove hazardous at these road receptor points. For the reasons outlined above, considering the existing vegetation and planting specifically designed to mitigate glare impacts, the residual hazardous effects of glint and glare emanating from the solar PV panels are considered highly unlikely for nearby roads. Therefore, it is not considered that the proposal would give rise to concerns in terms of traffic hazard arising from glint and glare.

#### Railway

- 7.7.9. The Dublin-Rosslare railway line is located c. 90m to the north of Parcel 3 and is separated by a narrow agricultural field and the Brackan River. 31 no. railway receptor points were assessed as part of the Glint and Glare Assessment. Analysis of terrain level screening using DTM identified that glint and glare is not theoretically possible at any of these receptors. Following a review of the information submitted I consider this assessment acceptable and do not consider that the proposal would give rise to concerns in terms of railway hazard arising from glint and glare.

#### Aviation

- 7.7.10. Two airfields, Warren Airstrip and Ballinvally Farm airstrip are located within 10km of the subject site. The applicant carried out a SGHAT software analysis for the final approach runways for both airfields and determined that all findings were within acceptable safety standards i.e. no yellow glare recorded for flight paths. The findings of same are recorded in the submitted Glint and Glare Assessment and having reviewed same information I am satisfied that there will not be any hazardous effects generated from glint and glare on the identified aviation receptors.

#### Site Access

- 7.7.11. Three site entrances are proposed for the solar farm. Access to Parcels 1 and 2 are to be via site entrance one and two, these are currently field entrances which were constructed during the recent M11 construction works. Site entrance 3 is an existing

farm domestic entrance on the L-5092 and this is to serve Parcel 4. The northern parcel 3 is to be accessed via the solar farm entrance permitted under ABP Ref. 306065-19. Detailed consideration of sightlines at these entrances is presented in Section 9 of the submitted Site Access and drainage Study (dated February 2021).

- 7.7.12. I note the submission received from the TII at planning application stage which stated that the proposal if approved would create an adverse impact on the national road network and would in the authority's opinion be at variance with national policy in relation to control of frontage development on national roads. However, I note that the proposed development will not be accessed directly from the national road network either at construction or operational phases. As stated above the proposed solar farm is to be accessed from the L-5092 local road only. The submitted Site Access Report outlines the anticipated average traffic levels accessing the site during the 24-week construction period to amount to c. 45 return trips a week. The peak number of return trips to the site is 124 per week with a daily average of 23, this peak activity is associated with the delivery and installation of solar farm panels over an 8-week period and following same it is anticipated that vehicle numbers will be reduced again substantially. A Swept Path Analysis was also undertaken for the full extent of the proposed access routes from Camolin to the site entrances off the L-5092. This analysis determined that minor modifications to existing entrance no. 3 is required to allow the delivery vehicle to enter and leave the site. Entrances 1 and 2 require no modifications. Adequate sight lines are to be provided at each entrance.
- 7.7.13. Overall, in relation to road capacity I note that the general area is well served by the M11 motorway, a good regional route (the R772) to Camolin and an adequate local road network capable of accommodating the proposed traffic volumes. I conclude that the construction phase traffic impacts can be properly managed in consultation with the planning authority and that the proposed development will not endanger public safety by reason of traffic hazard. Traffic at operational stage of the development will be minimal.

#### Proposed M11 motorway cable crossing

- 7.7.14. Directional drilling is proposed to run the grid connection cable underneath the M11 motorway corridor to connect Parcel 4 with Parcel 2 and the permitted substation (ABP ref. 305803-19). The proposed works will be limited to the corridor of the

proposed grid connection route and will be temporary in nature. Point no.2 of the TII's submission notes that the proposed M11 crossing is within the section of the network managed by Motorway Maintenance and Renewal Contract (MMaRC), which is a contractor for the TII and not Wexford County Council. Therefore, they state that consent from the TII is required under Section 53 of the Roads Act to cross the M11 motorway. The applicant in their appeal statement states that as outlined in the subject application, all necessary agreements will be put in place with the road's authority prior to commencement of development. The applicant refers to Circular Letter PL 01/2021 which outlines that consent for works in, on, over and under a public road is not required at planning application stage once the works will be carried out by a statutory undertaker. The provisions outlined in this circular as well as the related amendments to the Planning and Development Regulations 2001, are aimed at providing the necessary legal certainty in this regard so that statutorily approved utility service providers (electricity, broadband, telecommunications etc.), who lay cables or pipes along public roads for the purposes of providing such utility services can proceed with making planning applications without the need to submit the consent of adjoining landowners. The applicant refers to the letter of confirmation in this regard submitted with the planning application which states that the works are to be undertaken by a statutory undertaker. If the Board are minded to permit the proposed development I would suggest that a condition should be attached to ensure that all necessary agreements will be put in place with the relevant road authority prior to commencement of development.

## **7.8. Flooding and Drainage**

- 7.8.1. A Site-Specific Flood Risk Assessment (SSFRA) and a Site Access and Drainage Study accompany the application. The Site Drainage Study states that a Surface Water Drainage Strategy is to be developed at detailed design stage to mimic the existing natural drainage regime on site. Natural soakaways shall be provided as an initial activity at construction stage to mitigate any drainage issues, details of same have been included in Appendix A of this submitted report. A precast concrete dry construction bridge is to be installed along the western boundary of Parcel 3 over the existing drainage channel that runs along this boundary. This bridge will provide access into the permitted Tullabeg Solar Farm and it is noted that no instream works are required. I note that the Environmental Section of WCC raised concerns

regarding the level of detail submitted regarding the existing field drains and local hydrology, stating that the information presented in figure 2 of the SSFRA is not sufficient. The applicant highlights in their submitted application documents that a minimum set back distances of 9 meters from the Brackan and Worlough Rivers and 5 meters from all open drains have been incorporated into the design of the proposed solar array such that no infrastructure or construction works will take place within these buffer areas. The proposed pitch of the solar panels at c. 10 degrees and the maximum of 2.3m off the ground to the north and minimum of 0.72m off the ground to the south provides two-fold benefits, namely mitigation against potential for increased rates of rainwater runoff from the panels and the creation of natural conditions which allow seeded grass beneath the panels. Surface water will continue to be accommodated by the existing original drainage and infiltration pattern on the site via the network of perimeter drains. It is noted that there is adequate capacity in the existing drain regime and any overgrown drains are to be cleaned and cleared of excess vegetation and will be subject to regular inspection and maintenance to aid performance. No surface water from the proposed site entrances will be allowed to drain onto the local roads, this will be achieved by the provision of linear drainage systems within the site lands which shall run parallel to the public road at the site entrances.

- 7.8.2. No part of the subject site is located within an area of flood risk having regard to the Strategic Flood Risk Assessment JBA flood maps in the current Wexford County Development Plan 2013-2019. As part of the SSFRA the indicative OPW Preliminary Flood Risk Assessment flood extents were also consulted, these suggest that a small northern section of Parcel 3 and a second section in the southeast of Parcel 4 maybe at risk of flooding. These extents relate to the adjoining Brackan and Worlough (Ballymore) rivers. The SSFRA documents acknowledged that the Preliminary FRA extents are indicative only, being the product of a low resolution digital terrain model. The extent of actual flood risk on the site has been investigated in detail and a review of OPW records confirms that there is no historical or reoccurring flood events on or within the vicinity of the site. Notwithstanding this, a precautionary approach has been taken to the layout of the proposed development and all electrical plants such as inverters/transformers have been located away from drains and watercourses, with the nearest inverter c.320m from the River Brackan in

Parcel 3 and the nearest inverter from the River Worlough (Ballymore) at c.110m in Parcel 4. There is, therefore, no issue with respect to flood risk on this site.

- 7.8.3. The only surfaces where infiltration will be impeded are the inverter/transformer stations - which add up to a maximum of c.149sqm over a total site area of c. 409,800sqm. As stated previously one agriculture bridge would be required over a land drain to facilitate access to the northeastern land parcel. This will be achieved by a dry bridge where no in stream works will be required. Where drains are present at field boundaries trenches will be dug under the drain level, cables laid, and drain reinstated. Digging in these locations will be undertaken only in dry weather when no water is flowing in the drain.
- 7.8.4. The methodology adopted in the FRA complies with the Flood Risk Management Guidelines and its conclusions are robust. Having particular regard to the measures included in the design to protect sensitive elements of the proposed development from flooding and the surface water control and attenuation measures included in the FRA, I conclude that the application site is an appropriate location for the proposed development and that proposed development will not give rise to unreasonable risk of flooding within the application site or to areas outside the application site.

## **7.9. Archeology and Cultural Heritage**

- 7.9.1. An Archaeological, Architectural and Cultural Heritage Impact Assessment has been submitted as part of the application. The assessment identified a total of 25 sites of archaeological and/or cultural heritage significance within the study area which included a 1km buffer of the site. 10 no. RMPs were identified (none of which are National monuments) within the buffer zone, however it is noted that none occurred within the confines of the site boundary. In addition, 2 no. protected structures, neither of which are within the proposed site boundary, 5 no. sites listed on the NIAH, again outside of the site confines and 10 no. unregistered cultural heritage sites, in or adjacent to the subject site, were also recorded. The unregistered sites include sites that are considered to be of cultural heritage value which do not fall within the aforementioned categories as they are not registered. Such sites may include lime kilns, dwellings, out houses, trackways or townland boundaries.
- 7.9.2. I note the submission received from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. Given the scale (40.98ha) and location of the current

proposed development and the extent of groundworks required to facilitate development, the National Monument Service (NMS) recommended that a more detailed archaeological assessment be completed in advance of any planning decision. This information was requested as part of a further information request from the department in the form of an Archaeological Impact Assessment (AIA). Considering the volume of archeological finds that were discovered following excavations as part of the M11 Gorey-Arklow link project it is clear that this area is rich in archeological artifacts and sites. While I acknowledge the Department's concerns regarding the level of investigations conducted on site, I am satisfied that given the suite of mitigation measures proposed as part of the submitted Archaeological, Architectural and Cultural Heritage Impact Assessment, which includes a precautionary approach to the site's development and includes for monitoring of all ground works related to grid connections, access tracks, cables, boundary fences and solar panels, that the amount of ground disturbance on site can be minimised and appropriate conservation of archaeological heritage on the site can be achieved.

7.9.3. Having regard to the information submitted with the application, the reports of the planning authority and the comments of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media and subject to the attachment of a condition requiring archaeological monitoring of the construction phase of the proposed development, I conclude that the proposed development will accord with the objectives set out in the County Development Plan in relation to the conservation of items and areas of archaeological interest.

## 7.10. **Ecology**

7.10.1. An Ecological Impact Assessment (EclA) was submitted as part of the application which provided an overview of ecology within the proposed development site as well as identifying, quantifying and evaluating the potential effects arising from the construction and operation of the development on habitats, species and ecosystems in the surrounding area. The proposed development site was considered to be of local importance as it contains some semi natural habitat (hedgerows, treelines, woodland and the Brackan and Worlough rivers). Improved agricultural grassland (Fossitt Habitat Code: GA1) which is used for grazing livestock and horses is the dominant habitat within the proposed site boundary. Arable crops (BC1) in the form

of barley was the other main habitat recorded in the proposed development site. The fields within the proposed development site are divided by a network of well developed hedgerows (WL1) and treelines (WL2) often with drainage ditches (FW4) running alongside. No annex I bird species were recorded on the site walkover surveys and the site is not considered to be of particular value for the red-listed species recorded (which included black-headed gulls, grey wagtail, meadow pipit and yellowhammer). The submitted EclA also discusses the presence of a maternity roost of mobile Natterer's Bat (*Myotis nattereri*) located at Leskinfere Church proposed Natural Heritage Area (pNHA). This site is located c. 3.4km north of the study site, which is considered to be potentially within the foraging range of breeding Natterer's bats.

### Bats

7.10.2. The planning authority's third reason for refusal related to the perceived inadequacy of information provided with regards to the impact on Annex IV bat species. The planning authority highlighted that the survey data was obtained outside of the optimal period and that there was insufficient baseline data regarding the presence of the bat roost at Leskinfere Church pNHA. In response to the concerns raised by the planning authority, the applicant has submitted a supplementary report completed by Ecology Ireland (dated May 2021) which revisits the scientific information available in relation to the bat species in question and their ecology and also provides additional contemporary information in relation to the usage of Leskinfere Church (pNHA) as a maternity roost, as well as the occurrence of bats on the proposed solar farm site and surrounding area. The applicant acknowledged that the timing of the bat surveys was sub-optimal however states that this in no way invalidates the results of the bat surveys conducted at this time and highlights that temperatures at the time in Oct/Nov 2020 were mild and bat activity was strong. I note the results presented, as reiterated in the supplementary report (dated May 2021) under Table 2.1 show evidence of strong bat activity for 7 no. species (please note an additional Pipistrelle spp. which incorporates both Soprano and Common Pipistrelle was recorded in addition). An additional field survey was conducted in May 2021 the purpose of which was to record bat species occurrence and relative abundance at the proposed Balloughter development site during optimal survey period and also to carry out an emergence survey (active and passive) at Leskinfere

Church to record bats emerging at dusk. 4 no. locations in total were used during the surveys, two at Balloughter site (on southern end of Parcel 1 and the northern end of Parcel 3) and two at Leskinfere Church. The results of the survey are recorded on Table 3.1 of the supplementary report (dated May 2021) which show that the majority of bat activity at the proposed Balloughter land Parcels 1 and 3 was seen by Pipistrelle species as well as Leisler's. Some activity, though a lot lower volume was also observed for Daubenton's and Myotis sp. No record of Natterer's bats was recorded at either Parcel 1 or 3 during the May surveys. This would suggest that the proposed site is located beyond the typical foraging range of Natterer's Bat and is characterised by habitats that are sub-optimal for some bats. I note that Natterer's bats tend to prefer foraging in areas of woodland rather than linear features such as hedgerows. In addition, foraging distance for Natterer's bats from a maternity site such as that at Leskinfere Church are generally noted at 3km<sup>1</sup>. Therefore, having examined the additional data presented and given the nature of the development and habitats present, combined with the distance from the maternity roost, I am satisfied that the applicant has addressed the planning authority's concerns and that there would be no anticipated impacts upon Natterer's Bats in particular those which use the maternity roost at Leskinfere church pNHA.

7.10.3. The proposed scheme would involve the permanent loss of four linear meters of hedgerow and one mature tree. An additional 47 meters of hedgerow is to be temporarily removed to facilitate site access and sightlines and to be reinstated behind the aligned entrances. These minimal losses of habitat are to be offset by bolstering of 5,465m existing hedgerow and planting whips and advanced nursery stock where necessary, including enhancement to 279 meters of existing riparian hedgerow adjacent to the Bracken River, which runs to the north of Parcel 3, with native Alder and Salix spp. and the creation of 1,576m of new hedgerow dominated by Hawthorn. While I acknowledge that a certain amount of hedgerow will be temporarily lost to facilitate the constriction of the development, I am satisfied that the reinstatement of these hedgerows as well as the enhancement/bolstering of existing hedgerows (as detailed in the submitted Outline Hedgerow Planting, Monitoring and Maintenance Schedule, May 2021) will mitigate any impact on other

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<sup>1</sup> Smith, P. and Racey, P. (2008) Natterer's Bats prefer foraging in broad-leaved woodland and river corridors, J. of Zool. (275) pp. 314-322



foraging bat species that may use the site. I also note that no suitable bat roosting structures were identified on site as part of the surveys conducted, as detailed within the EclA.

### Conclusion

7.10.4. Mitigation measures in relation to the habitats and flora noted on site are listed within Section 5 of the submitted EclA. It is noted that no bespoke mitigation measures are required for the protection of any European sites. A separate Screening Report to assist in the competent authority's Appropriate Assessment has been submitted in addition to the EclA and the details of same are discussed further under Section 7.12 below. Overall, it was concluded that the proposed development does not have the potential to result in any significant negative effects on flora or fauna at a local or any other geographic level. No significant impact on the water environment and on aquatic habitats are predicted. I generally concur with the observation and conclusions contained within the EclA and I consider that the issues raised in the submissions, as relate to Ecology, have been adequately addressed. I am satisfied that provided all mitigation measures are implemented in full and remain effective throughout the lifetime of the development, no significant negative residual impacts on the local ecology or on any designated nature conservation sites, are expected from the proposed works.

### **7.11. Waste Management**

7.11.1. The applicant has submitted an Outline Construction and Environmental Management Plan (which outlines details of the construction management during the anticipated 24 weeks construction period), a Waste Management Plan for the site and an Environmental Management Plan. Section 5.2 of the plan outlines the procedures that will be put in place for 'Waste Arising & Management' and states that 'during construction, waste containers will be provided and rotated as soon as they are filled. A number of skips (20m<sup>3</sup> typical) will be kept in a secure area adjacent to the site compound. Waste will be sorted and disposed of as per list type two nearby recycling/treatment facilities'. The Environmental Section of WCC raised concerns regarding the location of these waste storage areas. I note that these have not been indicated on the submitted site layouts for the relevant three land parcels. The fact that the Outline CEMP refers to the waste facilities being located 'adjacent

to the site compound' is of some concern and in my opinion is not satisfactory. I would suggest to the Board that if they are minded to grant permission that a condition is attached requiring all waste containers and waste management areas to be located within the designated site compounds as identified on Parcel 2 (DRG No. LD.TLLBG II 1.6), Parcel 3 (DRG No.LD.TLLBG II 1.2) and Parcel 4 (DRG No. LD.TLLBG II 1.4).

7.11.2. In order to prevent any damaging run-off from the site, I note that there will be no stockpiling of soil within 10m of a watercourse and silt fences/screens are to be utilised where deemed necessary. This is considered a standard working practice for such site activities.

## **7.12. Appropriate Assessment – Screening**

### Compliance with Article 6(3) of the Habitats Directive

7.12.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under Part XAB, Section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### Background on the Application

7.12.2. The application is accompanied by an Ecological Impact Assessment of which Appendix A contains the results of a screening assessment (completed by Ecology Ireland, dated February 2021), in support of the Appropriate Assessment process.

7.12.3. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

### Screening for Appropriate Assessment – Test of likely significant effects

7.12.4. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated as Special Areas of Conservation (SACs) and Special Protection Area (SPAs) to assess whether it may give rise to significant effects on any European Site.

### Brief description of development

7.12.5. The site is as described in Section 1 above with the project description summarised in Section 2. The site location and project details are described on page 4 of the applicant's submitted report. The site is described as comprising predominantly improved agricultural grassland (Fossitt Code:GA1) and arable crops (BC1).

7.12.6. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- pollutants or sedimentation to ground or surface water (e.g. run-off silt, fuel oils, wastewater effluent) at construction and operational phases of the proposed development.
- Potential for use of the site by qualifying interests of nearby Natura 2000 sites.

### Submissions and Observations

7.12.7. No submissions have been received from prescribed bodies relevant to this assessment. It should be noted that a submission was received from an observer which highlighted concerns in relation to impacts on Annex IV bat species but none of the species listed form qualifying interests of any designated Natura 2000 sites within the locality. The concerns raised have been addressed separately under Section 7.10 of this report, above.

### European Sites

7.12.8. As stated previously, the development site is not located in or immediately adjacent to a European site. The closest European site is the Slaney River Valley SAC (Site Code: 000781), within 1.9 Km of the proposed development. A summary of European Sites that occur within 15 km/within a possible zone of influence of the proposed development is presented in Table 7.1 overleaf. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

**Table 7.1 – Summary Table of European Sites within a possible zone of influence of the proposed development.**

European Site (code)	List of Qualifying Interest /Special Conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
Slaney River Valley SAC (000781)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia</i> 44nswer44e) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twaité Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p>	c. 1.9km Northwest	<p>No direct connection.</p> <p>This river is located in a separate river catchment to the River Bracken and River Worlough which flow along the sites boundaries.</p> <p>No significant effects expected as a result of Otter disturbance /displacement given that no signs of otter were detected on site survey.</p>	N (due to separation distance, lack of connectivity and no visible signs of mobile species QIs detected).

	Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365]			
Cahore Polders and Dunes SAC (000700)	Annual vegetation of drift lines [1210] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190]	c. 12.4km Southeast	No direct connection.	N (due to separation distance and lack of connectivity)
Kilmuckridge -Tinnaberna Sandhills SAC (001741)	Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]	c. 14.2km Southeast	No direct avenues of connectivity	N (due to separation distance and lack of connectivity)
Cahore Marshes SPA (004143)	Wigeon ( <i>Anas 45nswer45e</i> ) [A050] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Lapwing ( <i>Vanellus vanellus</i> ) [A142] Greenland White-fronted Goose ( <i>45nswer albifrons flavirostris</i> ) [A395] Wetland and Waterbirds [A999]	c. 12km Southeast	No direct avenues of connectivity. No ex-situ disturbance/di splacement or collision effects of SCI's expected.	N (due to separation distance, lack of connectivity and no historical evidence of use of site by SCIs)

7.12.9. Detailed conservation objectives have been drawn up for the SACs with generic objectives pertaining to the SPA, all of which can be viewed on <https://www.npws.ie/protected-sites>. The overall aim is to maintain or restore the favourable conservation status of the qualifying interests.

### Identification of likely effects

- 7.12.10. The Slaney River Valley SAC is located in a separate river catchment to both the River Brackan which flows along the northern edge of Parcel 3 and the River Worlough which flows along the southern and eastern boundary of Parcel 4. The Brackan and Worlough rivers are a tributaries of the Owenovarragh River which discharges to the sea north of Courtown c. 12km downstream of the proposed development (when measured along the watercourses). Otter is a qualifying interest and there is the potential for it to travel between the two watercourses (Brackan and Worlough Rivers), however no signs of otter were recorded as part of the site surveys conducted and any activity levels are expected to be low on site given the small size of the Brackan and Worlough Rivers. In view of the absence of any hydrological connections between the sites, there is no potential for the designated site to be indirectly affected by the proposed development.
- 7.12.11. In view of the intervening distance between the site and Kilmuckridge-Tinnaberna Sandhills SAC and Cahore Polders and Dunes SAC, the absence of hydrological connection and the QIs of both sites, there is no potential for the designated sites to be indirectly affected by the proposed development.
- 7.12.12. The construction and operation of the development will not cause ex-situ disturbance/displacement or collision effects on key species (SCIs) of Cahore Marshes SPA as the development site does not currently support wetland habitats of significance for wintering waders and wildfowl and does not have a known history of wintering wildfowl usage.

### In-combination impacts

- 7.12.13. In terms of in-combination effects, I have had regard to the previously permitted developments for the Tullabeg Solar Farm (ABP ref. 306065-19) and the 110kV substation and grid connection (ABP 305803-19) which are located adjacent to the subject site. While these permitted developments are located within the same Water Framework Directive catchment as the proposed development (i.e. Owenavorragh River catchment, Brackan sub-basin), there are no hydrological links between either the permitted developments or the proposed Balloughter solar farm development. No in-combination hydrological impacts on any Natura 2000 sites are therefore expected as a result of the proposed development.

7.12.14. While I note that ex-situ impacts on otter from the Slaney River Valley SAC as a result of the proposed development in combination with the permitted Tullabeg solar farm could potentially be relevant, as the Brackan River flows along both development sites, given that no signs of otter were recorded during site visit and no significant impacts on otter are deemed likely as construction activities will not take place at night and the solar farm will not be lit at night (otters are nocturnal in nature), in addition to the landscaping plan for both the permitted and proposed development which will enhance the habitats along the riparian corridor and provide a habitat and visual buffer between the solar farm infrastructure and the rivers on site, no cumulative disturbance/displacement impacts on otter from the Slaney River Valley SAC are therefore expected as a result of the proposed development in combination with the permitted Tullabeg solar farm and sub-station development.

7.12.15. There are no other recent planning applications for the surrounding area that share a direct link with the subject site.

#### Mitigation measures

7.12.16. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

#### **Screening Determination**

##### Finding of no likely significant effect

7.12.17. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on the Slaney River Valley SAC (000781) or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This determination is based on the following: Distance of the proposed development from European sites and lack of meaningful ecological connections to those sites.

## 8.0 Recommendation

8.1. I recommend that planning permission should be granted, subject to conditions, as set out below.

## 9.0 Reasons and Considerations

9.1. Having regard to:

- the provisions of national and regional policy objectives in relation to renewable energy,
- the provisions of the Wexford County Development Plan 2013 – 2019,
- the planning history in the vicinity of the site,
- the nature and scale of the proposed development,

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 archaeological and ecological impacts, and also in terms of traffic, rail and aviation safety and convenience, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and by the further particulars received by An Bord Pleanála on the 18<sup>th</sup> day of May 2021 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 the 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 considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Report, the Ecological Impact Assessment, the Archaeological, Architectural and Cultural Heritage Impact Assessment, the Landscape Mitigation Plan, the Site Access & Drainage Study and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

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

4. Prior to the commencement of development, all necessary consents/agreements concerning precise road crossings, depth of excavation works required and reinstatement works shall be obtained from the relevant road authority.

**Reason:** In the interest of traffic safety.

5. (a) This permission shall be for a period of 35 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.

6. 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.

7. (a) All existing hedgerows (except at access/track openings) shall be retained notwithstanding any exemptions available and new planting shall be undertaken in accordance with the plans submitted to the planning authority with the application on the 26th day of February 2021 and the details and particulars submitted to An Bord Pleanála on the 18<sup>th</sup> May 2021. The implementation and monitoring of same shall be carried out by a qualified landscape architect.

(b) Details of wind stop netting/temporary fencing to be erected along the boundaries during the construction phase and which shall be retained in situ until the landscaping is fully established, including details of the provision for the movement of mammals at regular intervals along the perimeter of the site, shall be submitted to the planning authority for written agreement prior to commencement of development.

(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 interests of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

8. (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.

**Reason:** In the interest of clarity, and of visual and residential amenity.

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:

- (a) location of the site and materials compound(s) showing all waste containers and waste management areas to be located within the designated site compounds as identified on Parcel 2 (DRG No. LD.TLLBG II 1.6), Parcel 3 (DRG No.LD.TLLBG II 1.2) and Parcel 4 (DRG No. LD.TLLBG II 1.4).
- (b) location of areas for construction site offices and staff facilities;
- (c) details of site security fencing and hoardings;
- (d) details of on-site car parking facilities for site workers during the course of construction;
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) measures to obviate queuing of construction traffic on the adjoining road network
- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (i) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater;
- (j) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (k) details of on-site re-fuelling arrangements, including use of drip trays; (l) details of how it is proposed to manage excavated soil;
- (m) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.

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

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

10. During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:

- i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour.]
- ii) An LAeqT value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.

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

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

11. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.

**Reason:** In the interest of environmental protection and public health.

12. All road surfaces, culverts, watercourses, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey on the section of local road L-5092 which forms part of the identified access route for the site shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

13. 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.

14. 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.

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Máire Daly

Planning Inspector

12<sup>th</sup> October 2021