Inspector's Report ABP-318996-24

Development	Solar farm & ancillary works
Location	IDA Business & Technology Park, Rosslare Road, Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20231164
Applicant(s)	European Refreshments Unlimited Company.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Naomi Kloss
Observer(s)	None
Date of Site Inspection	28th May 2024
Inspector	Karla McBride

1.0 Site Location and Description

1.1. The appeal site is located within an established IDA Business and Technology Park on the S side of Wexford Town and it comprises three areas. Area 1 comprises a large linear site to the W of the Coke-a-Cola soft drinks facility that is in agricultural use, and Areas 2 and 3 comprise smaller areas of open space and car park to the S of the existing buildings. The larger site at Area 1 is bound to the S by the L7059 and to the E by steeply sloping undeveloped lands to the rear of a row of detached houses along the L3039. The relatively flat agricultural lands are defined by 2 x watercourses, mature hedges and trees. Vehicular access is off the Rosslare Road (R730) to the E, and via the existing internal road network.

1.2. Photographs and maps in Appendix 1 describe the site and environs in more detail.

2.0 Proposed Development

2.1. Install a 5.48MW solar farm with a 35 year lifespan on a combined c.14ha site:

- Solar photovoltaic panels on ground mounted frames (c.8300).
- 1 x single storey transformer station.
- 1 x single storey spare parts cabin.
- Underground electrical ducting & cabling.
- Associated site works, services & drainage.

Accompanying documents:

- Plans, Drawings & CEMP
- AA Screening Report & NIS
- Ecological Impact Assessment
- Biodiversity Management Plan
- Management Plan for Native Woodland Establishment
- Assessment of Landscape & Visual Impacts
- Archaeology & Cultural Heritage Report

- Archaeological Geophysical Survey
- Glint & Glare Assessment
- Flood Risk Assessment

3.0 Planning Authority Decision

3.1. Decision

Planning permission was granted subject to 8 x conditions:

Condition no. 2 required the development to be completed within 5 years.

Condition no.5 required that the solar panels be fixed in place by way of driven pile or screw pile foundations only in the interest of the long-term viability of agricultural land and to minimise impacts on drainage patterns.

Condition no.6 to 8 dealt with biodiversity and landscaping.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Following the receipt of Further Information in relation to the submission of a site-specific Flood Risk Assessment, the Planning Officer recommended that planning permission be granted subject to 8 x conditions (refer above).

3.2.2. Other Technical Reports

Environmental Scientist:	No objections subject to conditions related to the control of noise & dust.
Roads technician:	No objections subject to conditions.

3.3. Prescribed Bodies

No submissions received.

3.4. Third Party Observations

Two letters of objection received which raised the following collective concerns: -

- Construction phase impacts.
- Need for land panels.
- Use of land and sterilising use for development.
- Impact on road network & flood risk.
- Noise, visual & health impacts.

4.0 Planning History

None for the project site.

5.0 Policy Context

5.1. National energy policy

Climate Action Plan, 2024:
This Plan seeks to tackle climate breakdown and it commits Ireland to a legally binding target of net-zero greenhouse gas emissions by 2050, an emissions reduction of 75% and to meet up to 80% of electricity demand form renewables by 2030. Section 5.2 identifies the requirement for in the region of 22GW of renewable generation capacity by 2030. Section 5.3 Sector Abatement Ambition, notes that the proposed pathway includes a massive and rapid build-out of renewable generation capacity (wind & solar power generation technologies).

Key targets for electricity in Chapter 12 include up to 5GW of solar by 2025 and 8GW by 2030. Transformational policies, measures and actions, and societal change are required to meet the electricity sector's carbon budget programme and sectoral emissions ceilings. During the second carbon budget, Ireland's enormous potential for offshore wind will start to be realised. In the meantime, a major acceleration and increase in onshore wind turbines and transformation of land use from other activities such as agriculture to solar PV will be required.

A new drive for solar energy with ambitious targets will have impacts for land-use and allow farmers and communities to participate in the energy transition, through diversification of income to self-supply, and sell their own power to the grid. Measures to meet the Challenge, include: -

- Accelerating Renewable Electricity Generation:
- Accelerate the delivery of onshore wind, offshore wind, and solar through a competitive framework to reach 80% of electricity demand by 2030.
- Target up to 5GW of solar by 2025 and 8 GW solar by 2030.
- In line with the emerging EU frameworks, ensure that renewable energy generation projects, and associated infrastructure, will be considered to be in the overriding public interest.
- All relevant public bodies to carry out their functions to support the achievement of the 80% renewable electricity target.

Climate Action and Low Carbon Development (Amendment) Act, 2021:
This Act establishes a framework to develop the transition towards a low carbon economy. It commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade. Section 17 amends the principal act such that Section 15(1) requires consistency with the most recent approved climate action plan, national long term climate action strategy & national adaptation framework and approved sectoral adaptation plans.

National Planning Framework, 2018: seeks to shape future growth and development up to 2040. It aims to harness renewable energy potential, achieve a transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050, and promote new energy systems & transmission grids based on renewables-focused generation systems (incl. solar energy).

National Energy Security Framework, 2022, addresses Ireland's energy security needs in the context of the war in Ukraine. It coordinates energy security work across the electricity, gas & oil sectors, and takes account of the need to decarbonise society & the economy, and of CAP targets to reduce emissions.

National Energy & Climate Action Plan 2021-2030: outlines Irelands energy and climate policies in detail for the period from 2021 to 2030 and looks onwards to 2050.

Under the dimension Decarbonisation - Renewable energy, key objectives include:

- Achieve a 34% share of renewable energy in energy consumption by 2030.
- Increase electricity generated from renewable sources to 70%.
- Up to 1.5 GW of grid scale solar energy. Policies and measures include increased renewable electricity generated to 70%.

Under dimension Energy Security, the key objective is maintaining security of our energy system in the most cost-effective manner. This includes efforts to increase indigenous renewable sources in the energy mix (wind, solar and bioenergy).

Circular P01/2021 - P&D (Amendment) Regulations 2021 (S.I 9 of 2021)

This Circular removed the requirements for landowner consent to be submitted with planning applications for services in, on over or under a public road. The amending regulations seek to provide legal certainty so that wind farm operators, as well as other 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.

Food Wise 2025 (Department of Agriculture, Food and the Marine, 2015)

This document sets out a 10-year vision for the Irish agri-food industry up to 2025. Subject to following actions identified in the strategy, the sector projections are to increase value of agri-food exports by 85%, increase value added in the agri-food, fisheries and wood products sector by 70%, increase the value of Primary Production by 65% and create an additional 23,000 direct jobs in the agri-food sector. To achieve the projections set out above, Food Wise 2025 identifies c.400 recommendations and actions to achieve sustainable growth.

5.2. Other National Policy

Planning System and Flood Risk Management, 2009: seek to avoid inappropriate development in areas at risk of flooding and avoid new developments increasing flood risk elsewhere. It advocates a Sequential Approach and a Justification Test.

National Biodiversity Action Plan, 2022: sets out actions that a range of public and private sectors will undertake to achieve Ireland's 'Vision for Biodiversity'.

National Landscape Strategy for Ireland, 2015-2025: seeks to integrate landscape into sustainable development, carry out an evidence-based identification and description of landscape character, provide for an integrated policy framework to protect & manage the landscape and to avoid conflicting policy objectives.

5.3. Regional Policy

Southern Regional Economic & Spatial Strategy 2020:

The RSES supports the delivery of the programme for change set out in the National Planning Framework and the National Development Plan. It sets out a strategic vision and policy objectives for climate change, sustainable development and renewable energy. It seeks to support the development of the electricity grid which will enable the transmission system to safely accommodate more diverse power flows from surplus regional generation and facilitate future growth in demand.

5.4. UK Solar Energy Development Guidance

PPG for Renewables and Low Carbon Energy (DCLG 2015)

This guidance includes advice on planning considerations relating to specific renewable technologies (including solar power) and it includes the following points:

- Encourage use of brownfield land.
- Where agricultural land is used, allow for continued agricultural use.
- Use poorer quality greenfield land in preference to higher quality.
- Consider visual impacts, the impacts of glint & glare on the landscape, local residents and aircraft safety, and the potential to mitigate these impacts for example through screening with native hedges.

Renewable Energy PG Note 2 – The Development of Large Scale (>50 kW solar PV arrays) – Cornwall (UK) 2012

This document recognises landscape and visual amenity as one of the most significant impacts and it provides specific guidance on planning considerations.

Devon Landscape Policy Group Advice Note No.2 – Accommodating Wind and Solar PV Developments in Devon's Landscape, 2013

This document recommends siting solar developments on lower slopes or within folds in gentle undulating landscapes or on flat plateau sites rather than upper slopes or coastal headlands, and in landscapes with a sense of enclosure. Appendix 2 provides a classification of scale from Very small (< 1ha), Small (>1-5ha), Medium (5-10ha); Large (> 10 to 15ha) to Very Large (>15 ha).

5.5. **Local policy**

Wexford County Development Plan 2022-2028

The current Development Plan contains policies and objectives related to Climate Action (Ch.2), Transportation (Ch.8), Infrastructure (Ch.9), Landscape (Ch.11), and Heritage & Conservation (Ch.13).

Vol. 1 Ch. 9: Infrastructure

PT01: seeks to facilitate the provision of and improvements to energy networks in principle, provided that it can be demonstrated that: -

- The development is required in order to facilitate the provision or retention of significant economic or social infrastructure.
- The route proposed has been identified with due consideration for social, environmental and cultural impacts.
- The design is such that will achieve least environmental impact consistent with not incurring excessive cost.
- Where impacts are inevitable mitigation features have been included.

- Proposals for energy infrastructure should be assessed in accordance with the requirements of Article 6 of the Habitats Directive.

PT02: seeks to support, subject to the objectives of this section and Volume 10 Energy Strategy, connecting infrastructure for the integration of low carbon and renewable energy generation projects including community scaled projects with power transmission infrastructure.

PT03: seeks to support the upgrading of existing electricity networks and the reuse of existing power line routes.

PT04: seeks to support the upgrade of existing and development of new electricity substations in locations that do not have a significant negative impact on nearby residents and are subject to landscaping screening.

Vol.10 – Energy Strategy

ES01: seeks to facilitate the development of solar PV developments in the area open for consideration as shown on Map 6 subject to the renewable energy target set for the County, the proper planning and sustainable development of the area and the Development Management standards set out below. The site is located within a Settlement Exclusion Zone (Refer below).

ES03: seeks to facilitate, where appropriate, small scale solar energy development projects in urban areas, industrial estates, business parks and small community-based proposals, subject to compliance with normal planning and environmental criteria and the development management standards contained in Section 4.2.5

Section 4.2: Wexford Town and Environs lie within a Settlement Exclusion Zone (Map 6) where solar farms are generally not considered an efficient use of land within the built-up areas of towns and villages and should be avoided in these areas, and a 1km exclusion zone has been applied to allow for the future expansion of these settlements in a compact and sequential manner. Exceptions may be made for small scale solar energy development projects within these exclusion zones in accordance with Objective ES03. For applications for ground mounted solar PV developments in proximity to a town or village, the views from the settlement should be considered as part of the design process.

Section 4.2.5 contains Development Management Standards for Solar Farms which relate to: - the siting of new developments, glint & glares, visual impact assessment, landscaping, traffic, noise, security, impact on agricultural lands, biodiversity, drainage, flood management, heritage, community consultation, timescale, decommissioning, AA & EIA.

Vol 1 Ch.11 – Landscape & Green Infrastructure

Objective GI01**:** seeks to ensure the protection, enhancement and maintenance of the natural environment and recognise the economic, social, environmental, biodiversity and physical value of green spaces through the integration of Green Infrastructure planning & development in the planning process. Planning applications for development must demonstrate compliance with several requirements including:

a. The integration of Sustainable Drainage Systems (SuDS).
b. The retention & enhancement of landscape connections (incl. hedges).
c. Demonstrate downstream impacts of significant landscape modifications.
d. Avoid impacts on areas of high biodiversity value.
e. Avoid building on flood plains.
f. Ensure protection of that adjacent designated sites.
g. Use native species appropriate to the physical and environmental conditions.
h. Avoid culverting unless absolutely necessary and unavoidable.
i. Creation of open drainage ditches provide additional wetland habitats.
j. Avoid use of invasive species.
k. Reduce hard, impermeable surface & consider the use of green roofs.

5.6. Natural Heritage Designations

- Slaney River Valley SAC
- Raven Point Nature Reserve SAC
- Wexford Harbour & Slobs SPA

5.7. Other Plans

Wexford Local Economic and Community Plan, 2016 to 2021: seeks to promote sustainable energy usage & energy conservation.

Climate Change Adaptation Strategy 2019 to 2024: seeks to identify & enhance the capacity to adapt to climate change impacts and address priority climate risks.

6.0 The Appeal

6.1. Grounds of Third-Party Appeal (Naomi Kloss)

- ***Premature development***: absence of currently adopted LAP; proximity to European sites; and located within Flood Zones A & B.
- ***Negative impact on adjoining land***: access & limitations of use; and lands previously zoned for transitional use.
- ***Drainage & flood risk***: poor site damage, prone to flooding (Zones A&B), and adjacent to 2 x watercourses; and solar panels will alter runoff patterns & contribute to flooding at adjoining lands and local roads; recent studies shown that solar panels can adversely affect soil conditions (incl. soil fertility, carrying capacity, temperature & organic content); no justification for project.
- ***Pollution***: from damaged solar panels (incl. heavy & toxic metals) with resultant impacts on European sites.
- ***Inappropriate land use***: no current adopted LAP & no zoning objective; lands zoned Industrial in previous plan; contrary to Obj. ED37 (quantum & quality of zoned & serviced land) & Obj. ED39 (protect land for economic development).
- ***NIS***: in-combination impacts on Wexford Harbour & Slobs SPA (disturbance & loss of foraging habitat for overwintering birds) with several other projects; contrary to Obj. EM02(in-combination impacts) & obj. EM05 (protect & improve surface & ground water, air quality & climate etc.).
- ***Visual impact***: appropriate acceptable of visual impact on surrounding residential areas; contrary to Obj. ED11 (protect amenity & heritage); roof

mounted panels would be more appropriate; surrounding high landscape sensitivity (houses & NIAH features); and potential for glint & glare at houses & roads with resultant traffic hazards.

- ***Land values***: resultant adverse impacts on property prices & devaluation, as confirmed by recent US study.
- ***Site notice***: yellow notice provided.
- ***EIA***: should be considered given relationship to Slaney River Valley SAC & Wexford Harbour & Slobs SPA, location within Flood Zones A & B, proximity to 2 x rivers (Kerlog & Rathaspick); potential for in-combination impacts with several other projects; and WFD / EPA status & designated shellfish areas.
- ***Ecological impact Assessment***: adverse impact on surface water drainage & inadequate mitigation measures.
- ***Other developments in area***: no zoning objective due to absence of LAP.
- ***No consultation with local community***: CEMP may have been prepared after the public notice was published; and notice is difficult to read.
- ***Noise***: impacts on several houses in the vicinity & impact survey required.

6.2. Applicant's response

- Site was zoned Industrial in the Wexford Town Plan (2009-2015), & proposal complies with all relevant current CDP requirements (incl. Energy Strategy).
- The Kerlog River acts as a natural barrier between the site & adjacent lands, and limits access to the adjacent plots.
- Visual impacts are mitigated by existing trees & hedgerows.
- The SSFRA concludes that the project is not especially vulnerable to adverse flood impacts and will not rise significant flooding issues, with no risks to existing drainage arrangements, and grassland will be retained.
- No risk of pollution as per various reports, subject to mitigation & adherence to environmental standards & regulations.
- Appropriate land use within an industrial area which complies with CDP Energy Strategy.

- No adverse impacts on European sites or biodiversity as per reports (incl. NIS, EcIA & BMP)
- No adverse impacts on landscape or visual amenity as per reports (incl. photomontages and Glint & Glare assessment).
- Lands have been long zoned for industrial use with no resultant property devaluation.
- Site notices comply with all regulations regarding first & second (FI) notices.
- Noise Survey is not necessary given the industrial location of the project, and noise from the inverter & transformer would be below ambient noise levels.
- Copy of Flood Risk Assessment attached (preciously submitted to PA as FI)

6.3. Planning Authority Response

No further comments.

6.4. Prescribed Bodies

No further submissions

6.5. Observers

None.

7.0 **Assessment**

The main issues arising in this case relate to the following:

- Principle of development
- Visual & amenity (incl. glint & glare)
- Residential amenity
- Movement & access
- Cultural heritage
- Biodiversity
- Flood risk & drainage
- Other issues
- Screening for Environmental Impact Assessment
- Appropriate Assessment

7.1. **Principle of development**

Policy compliance:

The proposed solar farm development would be located within a light industrial - commercial area and the lands are currently in agricultural use. The site was zoned for Industrial uses in the former Wexford Town Plan 2009-2015 which has expired. The proposed development will therefore be assessed under the provisions of the current Wexford County Development Plan 2022-2028, including the Energy Strategy. The proposed solar farm would export electricity to the adjacent refreshments industrial building. The solar farm would be decommissioned at the end of its c.35 year lifespan.

The proposed development would comply with national, regional and local planning and environmental policy which supports a move to a low carbon future and encourages the use of renewable resources to reduce greenhouse gas emissions.

National policy recognises the role of solar power whilst Development Plan policies and objectives support renewable energy subject to normal planning and environmental considerations. The proposed development would contribute to the national targets set for Ireland which seek to substantially increase for the proportion of the country's electricity generated from renewable sources as part of its mandatory obligation under the EU Renewable Energy Directive 2009/28/EC. These targets are required to reduce greenhouse gas emissions and to ensure a secure energy supply. The proposed development which would serve an adjacent refreshments industry, would contribute to the achievement of these targets by way of reducing dependency on the national grid for electricity. The proposed development would therefore be acceptable in principle.

At local level, the current Development Plan seeks to encourage and promote sustainable energy production (PT01 & PT02), and to facilitate the development of solar farms in Areas Open for Consideration, subject to the proper planning and sustainable development of the area (ES01). However, the Energy Strategy (Map 6 & section 4.2) places the site within the Settlement Exclusion Zone for Wexford Town and Environs, where solar farms are generally not considered an efficient use of land in terms of the town's future expansion. Notwithstanding this designation, section 4.2 of the Energy Strategy states that exceptions may be made for small scale solar energy development projects within these exclusion zones in accordance with Objective ES03. This Objective seeks to facilitate solar energy projects in urban areas, industrial estates and business parks, subject to compliance with normal planning and environmental criteria and the development management standards for solar farms contained in Section 4.2.5, (incl. the siting of new developments, glint & glare, visual impact assessment, landscaping, traffic, noise, security, impact on agricultural lands, biodiversity, drainage, flood management, heritage, community consultation, timescale, decommissioning, AA & EIA).

I am satisfied that the proposed development, which would be located within a long-established industrial estate / business park and which would serve an adjacent existing industry, would comply with local planning policy and would therefore be acceptable in principle. Compliance with the various development management requirements for solar farms will be assessed in the following sections of this report.

Having regard to the foregoing, I am satisfied that the proposed solar farm development would comply with relevant EU, national, regional and local planning and energy policies, and would therefore be acceptable in principle.

Use of agricultural land:

The proposed solar farm would be located on agricultural lands that are mainly used for grazing, albeit on lands that were formerly zoned for industry in the Wexford Town Plan 2009-2015. There is no national guidance in relation to where solar farms should or should not be located and there is no policy which precludes the development of solar farms on agricultural land. It is noted that UK guidance seeks to direct large-scale solar farms to previously developed brownfield sites and it has a grading system for land, ranging from Grade 1 (most productive) to Grade 5 (most marginal) and most agricultural land is mid-range.

At national level, the agricultural strategic vision as set out in Food Wise 2025 supports increasing the value of agri-food, fisheries and wood production sector by 70% and the value of food exports by 85%. The strategy also recommends on-farm diversification along with a suite of recommendations and actions which do not place any restrictions on land use. Having regard to scale and nature of the proposed solar farm on lands upon which sheep grazing could continue, it is unlikely that the proposed development would compromise the grazing value of agri-food or the value of food exports to such an extent that it would outweigh the renewable energy benefits of the proposed development.

There would be local employment opportunities during the construction phase and the development would contribute to a reduced need for energy imports. The dual agricultural use of the lands for grazing could continue with the PV solar arrays in place and it is noted that sheep growth opportunities are envisaged under Food Wise 2025. The shallow nature of the ground works required to support solar arrays and the temporary duration of the use would also ensure that there would be no permanent or irreversible loss of agricultural land.

I am satisfied that the proposed development would not have any significant adverse or long-lasting impacts on soil quality. I also note that the bulk of the on-site works and use of machinery would be confined to the relatively short construction and decommissioning phases.

7.2. Visual amenity (incl. Glint & Glare)

As previously stated, there is no national guidance in relation to solar farms however various UK guidance documents identify potential impacts on landscape and visual amenity (incl. glint & glare) as two of the main concerns. The guidance recommends that gently undulating landscapes or flat plateau sites are preferable to sensitive locations, and that mitigation of visual impacts could be achieved by way of screening with hedges. It is noted that the overall site would be classified as Small under UK guidance on a scale that ranges from Very Small to Very Large.

The solar farm would comprise a series of photovoltaic panels (c.8300 & c.2.75m high) on ground mounted frames in a combined c.14ha site. It would also comprise 1 x single storey transformer stations, 1 x single storey spare parts cabin, and temporary work compounds. Ducting and cabling within the site would be underground.

Landscape & visual amenity:

The application was accompanied by an Assessment of Landscape and Visual Impacts and Photomontage report, which assessed potential visual impacts at various locations around the site boundaries and along the road network from 13 x short to medium range viewpoints with in a 5km radius of the site. The report concluded that the proposed solar farm and associated infrastructure would be well assimilated within the context of its surroundings, and that there would be no adverse impacts on the landscape or visual amenity.

The proposed development would be located within a relatively flat and low-lying area which is mainly characterised by a single elongated agricultural field that is defined by mature trees, hedgerows and 2 x watercourses. The linear site is bound to the S by the L7059, to the W by open lands that slope up steeply towards the L3039, to the N by open lands, and to the E by the adjacent coke-a-cola buildings.

The Development Plan contains a range of policies and objectives which seek to protect and/or manage the landscape, its various components and visual amenity. The site and environs are covered by a Landscape Character Area (LCA) Coastal designation with High Sensitivity with limited capacity to absorb new development. Notwithstanding this designation the site is located within a long established industrial / commercial park on the outer periphery of Wexford Town and to the N of the Wexford Bypass (N25). I am therefore satisfied that the proposed development would not have an adverse impact on any further afield coastal areas and their sensitive environs. I note that the site is also located close to the boundary of the LCA Lowlands designation which has Low to Moderate Sensitivity with capacity to accommodate development, with no adverse impacts on this LCA anticipated.

On a more local scale, the proposed solar arrays would be set back a significant distance from roadside boundaries and houses. Although some small sections of the perimeter hedgerows would be removed to accommodate the works during the construction phase, it is proposed to replant substantial additional native species hedgerows and trees within the solar farm and along the boundaries, as per the applicant's Management Plan for Native Woodland Establishment. Having regard to location of the site within a long established industrial and commercial area, the low-lying design of the proposed solar farm, the conclusions of the visual impact assessment report, taken in-combination with the boundary setbacks, extensive hedgerow cover and proposed woodland planting, I am satisfied that there would be no significant adverse impacts on the landscape or visual amenity arising from visual intrusion within the site.

Glint and Glare:

The application was accompanied by a Glint and Glare report which identified the potential for reflectance periods on the surrounding area including the road network, dwelling houses and aviation receptors. The report noted that solar panels by their nature are designed to absorb rather than reflect light.

The report examined possible impacts within a 30km study area for several strategic receptors (incl. aviation), and within a 1000m survey area around the site which comprised c.18 residential receptors and 8 x road receptors, some of which required

a detailed glint and glare analysis (incl. N25, L7059 & R730). Overall, 6 x houses and 3 x road receptors were dismissed as they are located within the no reflection zones which no adverse impacts predicted. This number was further reduced for all receptors when existing vegetative screening was factored into the modelling. The report concluded that any adverse impacts on visual and residential amenities, passing motorists and aviation receptors would be negligible.

Based on my assessment of the site and environs, and having regard to the light industrial – commercial location, extensive hedgerow cover and proposed woodland planting, the low-lying design of the proposed solar farm, the conclusions of the Glint and Glare report, taken in-combination with the boundary setbacks, I am satisfied that the proposed development would not give rise to any significant adverse glint and glare impacts in the vicinity and that any possible impacts would be minimal, seasonal, weather dependent, and therefore insignificant.

7.3. Residential amenity

The proposed solar farm would be located on the periphery of a business park that is characterised by a mix of light industrial and commercial uses. The adjoining agricultural lands to the W slope up steeply towards the L3039 where there are several detached houses, and there is a residential area to the SW of the site with access off the L7059. As previously stated, the solar farm would comprise a series of photovoltaic panels (c.8300 & c.2.75m high) on ground mounted frames in a combined c.14ha site. It would also comprise 1 x single storey electrical transformer stations, 1 x single storey spare parts cabin and temporary work compounds. Most ducting and cabling within the site would be underground. The third party raised concerns in relation to the proximity of the proposed solar farm to the rear of their houses with respect to visual intrusion and glint and glare, noise and disturbance.

General amenity:

Having regard to the relative low-lying nature of the lands relative to the elevated lands to the W, and design of the proposed solar arrays (c.2.75m high) along with the substantial separation distance to the arrays and ancillary support structures, combined with the proposed hedgerow and tree retention and native woodland, I am satisfied that the surrounding houses would not be overlooked or overshadowed by

the solar farm and its ancillary infrastructure. I acknowledge that it will take time for the landscaping to mature. Species and location details be agreed in writing with the planning authority before development commences, and the additional site boundary trees and hedgerows should be in place before the solar farm is operational. No artificial lighting should be installed or operated on site without a prior grant of planning permission and the CCTV cameras should be fixed and angled to face into the site and not directed towards any nearby roads or houses. These concerns could be addressed by way of a planning condition.

Noise:

As previously stated, the lands are located in a well-established business park that is characterised by a mix of light industrial and commercial uses with residential uses to the W and SW. The third party has raised concerns in relation to the risk of noise disturbance during the construction and operational phases on nearby residential receptors. Sections of the surrounding area are suburban in character, and the surrounding regional and local road network is busy with relatively high operational speeds.

The application was accompanied by a CEMP which included noise mitigation for the construction, operational decommissioning phases (incl. acoustic enclosure, regular maintenance, silencers & adherence to best practice). The proposed solar arrays would be located a substantial distance from the nearest houses the surrounding area would not meet EPA criteria for designation as a “Quiet Area”, for the purposes of noise impact assessment. It is likely that traffic, light industrial and commercial activity will occasionally introduce higher levels of noise to adjoining lands and receptors. Notwithstanding this conclusion, a planning condition should be attached to ensure that construction and operational noise levels do not give rise to a nuisance or disturbance at nearby sensitive receptors.

Solar farms do not generally generate significant noise emissions during the ***operational phase.*** The primary source of noise is normally associated with the power hubs (inverters & transformers). As solar power generation reduces between dusk and dawn, night-time noise emissions will reduce accordingly during this period. The centrally located power hub would be well set back from the site

boundaries and significant operational noise effects on sensitive receptors are not considered likely.

The proposed development has the potential to cause disturbance during the ***construction phase***, however I note that construction by its nature is a temporary activity. The overall works would take c.12 weeks to complete on a phased basis across the site. Any disturbances during the construction phase could be mitigated by the measures contained in the final CEMP in relation to the construction works, and in the final TMP in relation to the timing and phasing of deliveries to the site along the public road network. Construction works will take place during normal operational hours, and construction noise will be controlled in accordance with all relevant guidelines and codes of practice. Having regard to the use of rotary piling for solar arrays, I am satisfied that significant adverse effects are unlikely.

In ***conclusion***, having regard to the limited duration of construction activities on the lands, the absence of nocturnal activity during the operational phase, and subject to the implementation of measures identified in the planning application and subject to compliance with a recommended noise condition, the proposed development would not result in undue noise impacts on surrounding residential uses.

Fire safety:

The application was accompanied by a CEMP which contained a Fire Risk Assessment report which examined the risk and likelihood of a solar farm fire. It identified potential hazards (fire, electrocution & EMF) and it contained a series of risk reduction measures (incl. compliance with technical standards, adherence to best practice, regular inspections, staff training, emergency exits & fire detection), along with an Outline Emergency Response Plan.

There is no current guidance on the design and layout of solar energy arrays nationally. With regard to the requirement for internal access roads, I note that the UK, BRE Planning Guidance For The Development Of Large Scale Ground Mounted Solar PV Systems, indicates the following: 11 g) Access Tracks, Solar panel facilities which are developed on agricultural land should: – aim to minimise disturbance to the agricultural land; – be temporary, capable of removal and ‘reversible’; and – minimise their landscape/visual impact and their impact on the rural scene. The

installation and use of access tracks should therefore be kept to an absolute minimum. One track linking the inverters may be necessary as a minimum to enable exchange of inverters and replacement of heavy machinery. Agricultural vehicles, including tractors, quad bikes and 4WD, should be capable of servicing the facilities on a daily basis without the need to construct access tracks through the site. The proposed development is aligned with such guidance vas per the CEMP. I note the provisions of the Development Management Guidelines for Planning Authorities (2007) in relation to the management of fire risk in the development management process (chapter 7). As stated in the Guidelines, the factors appropriate for consideration are the location of the development in relation to industrial or other hazards, access for fire services and water supplies for potential firefighting.

I am satisfied that fire is an unlikely scenario, I note that there is unrestricted vehicular access to the site which could, in the event of fire, be used for firefighting access. There are public mains water supplies available in the vicinity, which already serves existing nearby commercial and light industrial developments. I note that separate regulations apply in respect of health, safety and welfare at work and all operational activities in this regard. Any outstanding concerns about the risk of fire could also be addressed in the final CEMP which should contain a final contingency / emergency response plan in the unlikely event of a fire.

In conclusion, having regard to above, and in the absence of any guidance or documented level of risk, I am satisfied that the proposed development would not give rise to a fire risk or endanger public safety or the surrounding environment.

Landscape impacts are assessed in section 7.2 above.

Glint & glare impacts on dwelling houses are assessed in section 7.2 above.

Movement & vehicular access impacts are assessed in section 7.4 below.

Overall Residential Amenity Conclusion:

Having regard to the foregoing, I am satisfied that the proposed development would not seriously injure the residential amenities of houses in the surrounding area to any significant extent, subject to compliance with conditions.

7.4. Movement and access

Vehicular access to the proposed development would be via the national, regional and local road network, and the entrance to the site would be off the Wexford Town Bypass (N25) and Rosslare Road (R750) and via the existing internal business park road network. The surrounding regional and local roads are heavily trafficked at peak times, and operational speeds are relatively high. The Development Plan contains a range of policies and objectives which seek to protect local road network, provide for adequate vehicular access and ensure traffic safety. The application was accompanied by a CEMP which refenced the preparation of a final Traffic Management Plan, and a Glint and Glare report. The CEMP described the existing traffic environment, stated that the project is expected to generate a limited number of additional traffic movements with minimal traffic generation during the operational phase. The Glint and Glare report assessed potential impacts on traffic safety and vehicles using the surrounding road network as a result of reflectance.

Construction traffic:

Construction vehicles would access the site via the existing national, regional and local road network, the existing internal business park roads and the entrance to the adjacent industrial facility that the solar farm would serve. No road works or junction improvements are proposed. The regional and local roads are busy, operational speeds are relatively high, and the local roads mainly serve surrounding residential uses. Notwithstanding any increase in vehicular activity, having regard to the short-term duration and temporary nature of the construction works, I am satisfied that the road network has adequate spare capacity and that the access arrangements off the R750 are acceptable. However, the developer should be required to agree the final Traffic Management Plan with the planning authority development commences. These concerns could be addressed by a planning condition.

Having regard to the foregoing, I am satisfied that the effects of construction traffic on the operation of the regional and local road network would be acceptable given the temporary and limited duration of the works, and that the proposed development would not give rise to a traffic hazard or endanger the safety of other road users.

Operational traffic:

The operational solar farm would generate a minuscule number of vehicle trips per month by maintenance staff. Having regard to the physical characteristics of the regional and local carriageways in the vicinity of the site, I am satisfied that the surrounding road network would has more than adequate spare carrying capacity to accommodate any additional traffic associated with the operational solar farm. I am therefore satisfied that the proposed development would not give rise to a traffic hazard or endanger the safety of other road users.

Vehicular access:

As previously stated, the proposed solar farm would be accessed off the regional and local road network and via the existing internal business park road network, and no road or junction upgrade works are proposed. I am satisfied that the proposed access arrangements would not give rise to a traffic hazard or endanger the safety of other road users.

Access to neighbouring sites:

The concerns raised by the third party in relation the proposed development having an adverse impact on access to their adjoining lands. However, I also note that the solar farm site is separated from the adjacent lands by a watercourse which is currently unbridged, and inaccessible from the appeal site lands. The installation of the solar is unlikely to affect the development potential of the third party's lands.

Glint & glare: potential glint and glare impacts on the surrounding road network are assessed in section 7.2 above.

Conclusion:

Having regard to the above, I am satisfied that the vehicular access arrangements are adequate, and that the traffic generated during the construction and operational phases would not give rise to a traffic hazard or endanger the safety of other road users. The augmentation of the roadside boundary hedgerows with woodland trees and hedgerows would ensure that the visual impact of any localised hedgerow removal would diminish over time, and that passing motorists are not distracted by glint and glare from the solar panels.

7.5. Cultural heritage

The site is located on the periphery of a long-established business park which is characterised by a mix of light industrial and commercial uses within a disturbed landscape. There are no Recorded Monuments, features of archaeological interest, Protected Structures, Designed Landscapes or NIAH structures within the site or surrounding area. However, it is possible that the solar farm site, which comprises a large elongated agricultural field defined by 2 x watercourses may contain as yet undiscovered artefacts. The Development Plan contains a range of policies and objectives which seek to protect cultural heritage features. The application was accompanied by an Archaeology, Architecture and Cultural Heritage report which confirmed the absence of any designated features, but recommended the that a geophysical survey be undertaken in advance of construction which would identify previously unknow sites of interest.

Archaeology:

The proposed development would comprise the installation of c.8300 solar arrays and ancillary development (incl. a transformer / inverter & underground cabling). The application was accompanied by Archaeological and Cultural Heritage and Archaeological and Geophysical reports which described the characteristics of the receiving environment, assessed potential heritage impacts, and proposed mitigation measures in the event of any artefacts being discovered (incl. avoidance, layout, design & buffer zones).

The NMS 1991 guidance document contains advice on appropriate methods of archaeological testing in different circumstances (incl. large scale projects), whilst the 2016 internal supplementary guidance notes that FI requests for solar farms, which may have low levels of ground impact along with the flexibility to avoid impacts, should not take the form of blanket requests for testing on the sole grounds that the development is large scale, and that such requests should be based on specific and verifiable indicators of archaeological potential. At local level, the current Development Plan contains several policies and objectives which seek to protect and/or preserve archaeological heritage.

As previously stated, the surrounding area has been disturbed and the solar farm lands have been actively farmed although it is possible that as yet un-discovered features may remain below ground level. However, having regard to the information provided by the applicant and my own observations, I am satisfied that there is no visible or verifiable evidence of any surface level features within the site. Having regard to the relatively low level of ground impact associated with the installation of solar farms and the inherent flexibility in their design and layout, I am satisfied that the layout of the arrays could be amended to exclude any sensitive features uncovered during pre-construction tests. I recommend that a condition should be attached requiring testing, reporting and further agreement with DHLG&H/NMS and Wexford County Council prior to commencement of development.

Built heritage:

There are no Protected Structures or NIAH features within or close to the close to the site that could be adversely impacted by the proposed development.

Conclusion:

Having regard to the foregoing, I am satisfied that the proposed development of the solar farm, associated infrastructure and underground cables would not have an adverse impact on cultural heritage, either on its own or in combination with any other plans or projects in the surrounding area.

7.6. **Flood risk and Drainage**

The application was accompanied by a site-specific Flood Risk Assessment Report which described the receiving environment and calculated the risk of the proposed development contributing to, or being affecting by fluvial flooding, along with details of the drainage proposals for the site.

Flood risk:

The proposed solar farm would comprise the works described in section 2.1 above, along with underground cabling within site, and the works would take c.12 weeks to complete. Two small streams with low to moderate flow rates extend along the site boundaries (Kerlog & Rathaspick), and although they may occasionally overtop their

banks, there are no records of any significant flood events in the vicinity of the site. Underlying groundwater vulnerability is classified as Moderate. The elevations within the relatively flat and low-lying site range from c. 15m to 20m OD. Solar panels are generally considered to be water compatible development as they are usually placed well above ground level.

The wider surrounding area is covered by Flood Zones A, B and C. The solar farm site mainly lies within Flood Zone C where the probability of fluvial flooding is low risk (less than 0.1% AEP - 1 in 1,000 year). None of the arrays would be located within any part of the site where the estimated 1%AEP (1 in 100 year) or 0.1% (1 in 1,000 year) fluvial flood depths are greater than the minimum panel height of c.0.8m. In the event of the rivers overtopping their bank during a storm, I am satisfied that any water would more than likely flow under the arrays in the event of a fluvial flood. Furthermore, there is also no recorded history of significant fluvial or groundwater flooding in the area, and the risk of fluvial and pluvial flood risk to the proposed solar farm is low. The underground cables would be laid below ground level with no resultant impacts on overland flow paths or fluvial flood water volumes associated with the watercourses. Groundwater flows and quality would not be affected given the shallow excavations and foundation depths for the arrays.

Drainage:

The proposed solar farm would be located within an agricultural field which is used for grazing. The installation of solar arrays, which do not require substantial site excavations or resultant hard surfaces, would not have a significant impact on existing drainage patterns in the area, subject to good design and best construction practice as detailed in the CEMP (incl. generous separation distances between arrays, adequate angles, avoidance of drainage to roads, and regular inspection & maintenance of existing drains). Notwithstanding this, the applicant should be required to submit a surface water management plan for the written agreement of the planning authority before development commences. This could be addressed by way of a planning condition.

Conclusion:

Having regard to the foregoing, I am satisfied that the proposed development which would retain existing grazing lands with minimal new hard surfaces, would not give

rise to a flood risk downslope of the works. The separation distance with the two watercourses and the height of the arrays (c.0.8m) above ground level would ensure that the works would not contribute to flooding or be damaged by it.

7.7. Biodiversity

The site comprises a large, low-lying, elongated field located on the periphery of a business park. The site boundaries are defined by mature trees, hedgerows and 2 x streams, and the adjoining open lands to the W rise up steeply towards the L3039, and more gently to the N. The surrounding landscape beyond the business park has a rich natural heritage and there are several European and National sites in the wider area (incl. Wexford Harbour & Slobs SPA & pNHA, and Slaney River Valley SAC) Chapter 13 of the Development contains a range of policies and objectives which seek to protect sensitive sites, habitats and species in the surrounding area.

I note the concerns raised in relation to the impact of the proposed solar farm development on sensitive sites, ecology and biodiversity (incl. hedgerows & trees).

The application was accompanied by several reports (incl. AA Screening, NIS, Ecological Impact Assessment, Biodiversity Management Plan & a Management Plan for Native Woodlands) which noted the presence of several natural heritage features in the wider area. The applicant submits that the proposed development complies with all relevant national and local policies, objectives, and designations.

Terrestrial ecology:

The Ecological Impact Assessment report (EcIA) described the receiving environment (incl. mainly grassland [Amenity, Dry meadows & Grassy verges], hedgerows, trees lines, watercourses & some wetlands) and a variety of mammal, bird and bat species. It described the various project elements, the nature of the survey work (desk study & field surveys), and it assessed potential connections to designated sites (incl. SACs, SPAs & p/NHAs). It noted that a small amount of hedgerow will be permanently removed from the overall c.14ha site to facilitate the site entrance, access tracks and underground cabling, which will be compensated for by the provision of new hedgerows and wooded areas.

The EcIA report noted the recorded or expected presence (based on suitable habitat) of protected species within the site and environs (incl. Badger, Otter, Bats & Birds). The lands do not contain suitable roosting habitat for Bats although the

extensive network of hedgerows may provide foraging opportunities for several species (incl. Soprano & Nathusius's pipistrelle, Leisler's, Brown long-eared & Daubenton's), and also nesting, breeding and foraging habitat for birds (incl. passerines & corvids). No reptiles or amphibians were recorded, given the agricultural nature of the lands, however it is possible that common frog may be present. No rare or protected plant species, rare or protected invertebrates, or high impact invasive species were recorded.

The EcIA report did not identify any significant potential adverse impacts on habitats and species as a result of the construction works or during the operational phase. Although the proposed works would result in some minor loss of habitats and would give rise to general disturbance during the construction phase, the Biodiversity Management Plan, Management Plan for Native Woodland Establishment would provide for additional and substantial native species planting. There would be a net gain in woodland related habitats with resultant positive impacts for biodiversity (incl. nesting & foraging birds, bees & other invertebrates as well as foraging & commuting bats). Pre-construction Badger and Otter surveys should be undertaken, with appropriate buffer zones provided and Derogation Licences sought from NPWS as required. An invasive species plan should be put in place for dealing with any invasive species present within the site.

Having regard to the nature of the receiving environment for the proposed solar farm, associated infrastructure and underground cabling, I am satisfied that the proposed development would not have an adverse impact on terrestrial habitats or species present within the proposed solar farm site and surrounding area.

Aquatic ecology:

A similar range of surveys in relation to aquatic ecology were undertaken. The report described the aquatic receiving environment of the Kerlog River and Rathaspick Eiver (Depositing / Lowland Rivers) which have the potential to support a range of protected species, and the Rathaspick flows into the Slaney River SAC downstream. The assessment of the watercourses included river substrate, flow types, aquatic vegetation, aquatic invertebrates, fisheries and water quality. The watercourses banks have been highly modified however they may provide suitable support habitat for several species of fish (incl. Lampreys). There are no downstream records of

White-tailed crayfish or Freshwater pearl mussel populations within the reach of the study area.

The EcIA report identified potential adverse impacts on water quality and aquatic life as a result of sedimentation during the construction phase and contaminated run-off during the construction and operational phase. However, the proposed mitigation measures for the construction phase (incl. management of sediment loss, hydrocarbons & concrete, timing & seasonality of works, and control of invasive species), along with & adherence to best practice, and compliance with relevant IFI requirements, the operational phases (incl. sediment loss), and the on-site drainage arrangements would ensure that the receiving watercourses and their constituent habitats and species would be protected.

I am satisfied that the proposed development, which would implement a pragmatic range of mitigation measures and drainage arrangements, would not have an adverse impact on water quality of aquatic life.

Conclusion:

Having regard to the foregoing, I am satisfied that the proposed development of the solar farm, associated infrastructure and underground cables would not have an adverse impact on biodiversity and ecology either on its own, or in combination with the existing commercial and residential uses in the surrounding area.

7.8. Other issues

Cumulative impacts: The applicant has considered the various plans and projects in the surrounding area. I am satisfied that no significant cumulative impacts would arise subject to the implementation of the CEMP and other mitigation measures, and agreement of a Traffic Management Plan with the planning authority. There are no other proposed solar farms in the surrounding area.

Property devaluation: Concerns raised in relation to property values are noted, however I also note the lack of empirical evidence to support this contention. The proposed solar farm would be located a significant distance from any nearby houses and the site would be well screen from public view by existing and augmented trees and hedgerows.

Decommissioning & restoration: Potential decommissioning impacts would be similar to the construction phase, but of a lower magnitude, and full details, including a restoration plan, should be agreed in writing with the planning authority.

7.9. Screening for EIA

Solar energy development is not listed as a class of development for the purposes of EIA under Part 2 of Schedule 5, within the Planning and Development Regulations, 2001 (as amended). In this regard, a requirement for preliminary examination or EIA would not arise.

The proposed solar energy development will require a connection to the national grid. While this appeal relates to a decision under S.34 of the Act, an application for such grid connection would fall under the Strategic Instructure provisions of the act requiring a separate application under S.182. Such underground grid connection would not constitute a class of development under Schedule 5 and would not require preliminary examination or EIA.

A requirement for EIA may arise, under Part 2 of Schedule 5 Class 10: Infrastructure projects (dd) “all private roads which would exceed 2000 metres in length”. I note that the proposed development does not include such private roads and therefore does not fall under Class 10. A requirement for fire access roads has been considered above, however, notwithstanding any such requirement I note that the Board has previously determined that such access tracks in respect of solar developments do not fall to be considered under Class 10 (incl. ABP-301028-18, ABP-302681-18, PL17.248146).

The proposed development may comprise rural restructuring of farmland requiring screening under the Environmental Impact Assessment (Agriculture) Regulations, 2011, by the Department of Agriculture, Food and the Marine. In this regard I note the more recent amending regulation S.I. 383 of 2023 Planning and Development (Amendment) (No. 2) Regulations 2023, which amends Class 1 of Part 2 of Schedule 5, by inserting the following:

(a) Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment)(Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.

I note that these thresholds reflect those set out in Schedule 1, Part B of the 2011 EIA (Agriculture) Regulations. Furthermore, Part A of Schedule 1 of the 2011 regulations sets out the following thresholds for screening for EIA:

Restructuring of rural land holdings	**Screening Required**
Length of field boundary to be removed	Above 500m
Re-contouring (within farm-holding)	Above 2 hectares
Area of lands to be restructured by removal of field boundaries	Above 5 hectares

These screening thresholds may be a useful guide in considering the reinserted Class 1(a) above. The Environmental Impact Assessment (Agriculture) Regulations Guide for Farmers describes restructuring of rural land holdings as involving changing the layout of the farm. I note that the 2023 amending regulations do not identify solar development as a class of development to be subject to EIA / EIA Screening.

Circular EUIPR 01/2023 notes that it is the elements of field boundary removal or recontouring of a field which amount to restructuring of a rural land holding which would need to be screened for EIA. The proposed development involves the removal of a limited extent of hedgerow which is significantly below the threshold of 4km for EIA reinserted by the 2023 amending regulations and is also considerably below the screening threshold set out in the 2011 (Agricultural) regulations. Such removal is mainly associated with access requirements and would not result in the significant amalgamation or enlargement of existing fields or change in the layout of the lands. I have concluded above that significant effects on biodiversity are not likely as a result of such works.

The development does not involve the recontouring of the lands by, for example, the levelling off hills or by infilling of hollows (by removing or shifting earth or rocks), or other use or drainage works. I note also that ground levels in this area do not vary significantly, and no substantial excavation will be required. The panels can be installed to existing topography, without excavation or alteration of levels. Inverter / transformer containers will be sited on areas of hardstanding which may require some localised levelling and foundation works, however, such works are not significant in nature and would not constitute recontouring of the lands.

Having regard to the purpose and to the nature and extent of the works in this case, I am satisfied that such non-agricultural development, would not constitute rural restructuring. I refer to Form no. 2 appended to this report which concludes that sub-threshold EIA is not required.

7.10. Appropriate Assessment

Compliance with Articles 6(3) of the EU Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

AA Screening Report: This report described the site, the location and proposed development, it summarised the regulatory context and it carried out a desktop and site surveys. It noted that the site is not located within or adjacent to a European site, but that there is a hydrological connection with some of several European sites within a 15km radius of the site, and that one of the 2 x watercourses may contain habitat suitable for QI species. The report described the European sites and their respective qualifying habitats and species, and it listed their conservation objectives. It concluded that the proposed development could present a significant risk to the Qualifying Interests or Conservation Objectives of 3 x European sites and that an NIS was required.

Natura Impact Assessment: This report described the individual elements of the project with potential to give rise to effects on the Conservation Objectives and Qualifying / Special Conservation Interests for each site. It described any likely direct and indirect effects along with in-combination effects, and it assessed the significance of any effects. It identified the potential for direct and indirect effects during the construction and operational phases. It concluded that the proposed development had the potential to adversely affect several QI habitats and species, and it outlined a range of mitigation measures (incl. water quality protection measures) and assessed the likelihood of residual effects following mitigation. It also assessed the potential for cumulative effects in-combination with other plans and projects in the area.

7.11. Screening for Appropriate Assessment

The project would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites. The following European sites are located within the Zone of Influence (c.10km) of the project, and their Qualifying Interests, and separation distances are listed below.

European Site	QIs & SCIs	Distance	Link
River Slaney Valley SAC (000781)	Estuaries; Mudflats & Sandflats; Salt meadows; Floating River vegetation; Old sessile oak woods; Alluvial forests; Freshwater pearl mussel; Sea, River & Brook Lampreys; Twaite shad; Salmon; Otter; & Harbour seal	c.1.0km	Yes. Aquatic via Rathaspick River
Raven Point Nature Reserve SAC (000170)	Mudflats and sandflats Annual vegetation of drift lines Atlantic salt meadows] Embryonic shifting dunes [2110] White dunes & Grey dunes Dunes with Salix repens ssp. Humid dune slacks	c.7.0km	No.
Wexford Harbour & Slops SPA (004076)	Little Grebe & Great Crested Grebe Cormorant & Grey Heron Bewick's Swan & Whooper Swan Light-bellied Brent Goose Shelduck, Wigeon & Teal Mallard, Pintail, Scaup & Goldeneye Red-breasted Merganser & Hen Harrier Coot, Oystercatcher & Lapwing Golden & Grey Plover Knot, Sanderling & Dunlin Black-tailed & Bar-tailed Godwit Curlew, Redshank & Little Tern Black-headed & Lesser Black-backed Gull Greenland White-fronted Goose	c.2.0km	Yes. Aquatic via Rathaspick River.

	Wetland and Waterbirds		
The Raven SPA (004019)	Red-throated Diver & Common Scoter Cormorant, Grey Plover & Sanderlin Greenland White-fronted Goose Wetland and Waterbirds	c. 7km	No.

The construction phase of the proposed development would comprise some minor site levelling, the removal of some hedgerows, the installation of solar panel structures which would be secured to the ground, and underground cables. There would be minimal site clearance and excavation works.

The potential effects relate to:

- In-situ impacts on qualifying interest species within the European sites:
  - Release & transport of pollutants in ground or surface water.
  - Loss habitats used by QI/SCI species.
  - Loss of foraging & commuting areas used by QI/SCI species.
  - Noise disturbance to QI/SCI species during construction.
- Introduction of invasive species.
- Ex-situ impacts on qualifying species outside the European sites but which are an integral and connected part of the population.

Based on my examination of the:- NIS report and supporting information (incl. the desktop studies & field surveys), NPWS website, aerial and satellite imagery; the scale of the proposed works and nature of the likely effects; the substantial separation distance and functional relationship between the proposed works and the European sites and their conservation objectives; the site specific characteristics, the species specific characteristics and requirements (incl. habitat preference, diet & foraging distances), and the absence of suitable support habitats or an aquatic connection between the European site and the proposed works; taken in conjunction with my own assessment of the subject site and surrounding area, I conclude that a Stage 2 Appropriate Assessment is required for the following 2 x European sites

which I consider to be within the Zone of Influence by reason of mobile and/or aquatic connections.

- Slaney River Valley SAC
- Wexford Harbour and Slobs SPA

AA Screening Conclusion

Having regard to the nature and scale of the proposed development, and the presence of an aquatic connection to the European sites via onsite watercourses (Rathaspick River) and taking account of the separation distance to the nearest European sites and to the nature of their Qualifying Interests and Special Conservation Interests, it is my opinion the proposed development, does have the potential to affect two of the European sites or their conservation objectives. I am satisfied that the proposed solar farm development can be screened in for further consideration of potential adverse effects on European sites.

7.12. Appropriate Assessment

The following European sites, their Conservation Objectives, and their QI habitats and species, and SCI species, are summarised below: -

European Site	Conservation Objectives	QIs & SCIs
River Slaney Valley SAC (000781)	To restore the favourable conservation condition of QI fish species. To maintain or restore favourable conservation condition of the QI habitats & species.	Estuaries; Mudflats & Sandflats; Salt meadows; Floating River vegetation; Old sessile oak woods; Alluvial forests; Freshwater pearl mussel; Sea, River & Brook Lampreys; Twaite shad; Salmon; Otter; & Harbour seal.
Wexford Harbour & Slops SPA (004076)	To maintain or restore favourable conservation condition for the SCI species.	Little Grebe, Great Crested Grebe & Cormorant Grey Heron, Bewick's Swan & Whooper Swan Light-bellied Brent & Greenland White-fronted Goose Shelduck, Wigeon, Teal, Mallard, Pintail & Scaup Goldeneye, Red-breasted Merganser & Hen Harrier Coot, Oystercatcher, Lapwing, Golden & Grey Plover

		Knot, Sanderling, Dunlin, Curlew & Redshank Black-tailed & Bar-tailed Godwit & Little Tern Black-headed & Lesser Black-backed Gull Wetland and Waterbirds

Favourable Conservation Status is achieved when:

1. Habitats

- The natural range (and area covered) is stable or increasing.
- The specific structure and functions which are necessary for its long-term maintenance exist now and for the foreseeable future.
- The conservation status of its typical species is favourable.

2. Species

- Population dynamics data indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats.
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future.
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Slaney River Valley SAC & Wexford Harbour & Slobs SPA

These European sites lie within the Zone of Influence of the project as they have a direct downstream aquatic connection to the project site via the Rathaspick River.

European site descriptions:

Slaney River Valley SAC comprises the freshwater stretches of the River Slaney as far N as the Wicklow Mountains, several tributaries, the estuary at Ferrycarrig, and Wexford Harbour. The river flows through Counties Wicklow, Wexford and Carlow, it is up to 100m wide in places and is tidal at the S end from below Enniscorthy.

Wexford Harbour & Slobs SPA is the lowermost part of the estuary of the River Slaney. It comprises the natural estuarine habitats of Wexford Harbour, reclaimed polders known as the North and South 'Slobs', and the tidal section of the River Slaney. Shallow marine water is a principal habitat, but at low tide extensive areas of intertidal flats are exposed which support a rich macroinvertebrate fauna, and salt marshes fringe the intertidal flats. The Slobs are drained by a network of channels which flow into two central channels, which often support swamp vegetation.

QI habitats and QI & SCI species:

Slaney River Valley SAC is designated for its importance to a wide variety of terrestrial and aquatic habitats (incl. riparian, estuarine & coastal), along with one species of mammal (Otter), several species of fish (incl. Salmon, Twaite Shad & Lampreys), and 1 x invertebrate species (incl. Freshwater pearl mussel). The full list of QI habitats and species is set out in the table above. It is noted from the NPWS documentation and accompanying maps, and the results of the desk top and site surveys, that several of the QI habitats and species are either located upstream or significantly downstream of the project site, or that the project site and environs do not contain suitable habitat conditions to meet species specific requirements, and several habitats and species will therefore not be included for further consideration (Atlantic & Mediterranean salt meadows, Old sessile oak woods, Alluvial forests, Salmon, Twaite shad, Freshwater Pearl Mussel & Harbour seal).

Wexford Harbour & Slobs SPA is designated for its importance to a wide variety of waterbirds, it is of international importance for several species of waterbirds, and it is one of the top three sites in the country for numbers and diversity of wintering birds.

The remaining QI habitats and QI /SCI species, their Conservation Objectives, and Attributes and Targets, are summarised below: -

QIs & SCIs	Conservation Objectives	Attributes & Targets
Floating river vegetation	Maintain favourable conditions.	Habitat distribution (no decline); Habitat area (stable); Hydrological regime (maintained); Vegetation structure (sward height); Vegetation composition (broadleaf herb: grass ratio); Vegetation composition (typical species & negative species indicator).
Estuaries and		

Mudflats & Sandflats	Maintain favourable conditions.	Habitat area - stable or increasing; Community distribution – types should be maintained in, or restored to, a natural condition
Sea, Brook & River Lamprey	Maintain favourable conditions.	Distribution; Population structure of juveniles; Juvenile density in fine sediment; Extent and distribution of spawning habitat; Availability of juvenile habitat.
Otter	Restore favourable conditions.	No significant decline in: - Distribution, Extent of terrestrial & freshwater habitats, couching sites & holts, Availability of fish biomass & Connectivity.
Various Waterbirds	Restore favourable conditions.	Population trend - long term population trend stable or increasing; Distribution - no significant decrease in numbers or range of areas used by waterbird species.
Hen harrier	Maintain favourable conservation condition.	Roost attendance - No significant decline; Foraging habitat - No significant decline; Roost site – suitable condition; Disturbance at roost site - Human activities should not adversely affect.
Little tern	Maintain favourable conservation condition.	Breeding population abundance - No significant decline; Productivity rate, Distribution, Prey biomass - No significant decline; Barriers to connectivity – No significant increase; Disturbance at the breeding site - Human activities should not adversely affect.
Wetlands	Maintain favourable conservation condition for migratory birds.	Habitat Area – stable & not significantly less than the area of 4,241ha, other than that due to natural patterns of variation.

Potential direct effects: The project it is not located within a European site and it is not relevant to the maintenance of any European sites, and there is no potential for direct effects on any of the SACs or SPAs.

Potential indirect effects: There is potential for indirect effects having regard to the location and scale of the proposed development within a short distance of 2 x European sites and the presence of a direct aquatic connection. There is potential for indirect effects on several of the QI habitats and QI and SCI species during the ***construction phase*** as a result of:-water pollution from the unmitigated release of fine sediments and contaminated river dredge during construction works and hydrocarbons by way of accidental spillages from machinery, which could give rise to

water pollution in the downstream waterbodies, chemical contamination and clogging of fish gills, with resultant impacts on the availability of prey biomass for the QI species Otter and SCI Birds. Further potential indirect effects relate to the loss of or disturbance to riparian vegetation within and along the riverbanks. The uncontrolled introduction of invasive species from works vehicles could give rise to the colonisation of habitats by invasive species, with resultant impacts on the attributes and targets for the QI species, in the absence of mitigation. There is no potential for any additional significant indirect adverse effects during the ***operational phase*** when the works are complete, nor during the ***decommissioning phase*** subject to the implementation of a similar range of water quality protection mitigation measures.

Mitigation measures: The NIS mitigation measures which would serve to protect the SAC and its QI habitats and species from adverse effects, include: -

- Preparation of a CEMP
- Preparation of an Invasive Species Management Plan
- Erection of buffer zones
- Timing & seasonality of works.
- Appointment of Ecological Clerk of Works
- Adherence to best construction practices
- Compliance with relevant legislation & guidance
- Surface water management measures to protect water quality including: -
    - regular surface water monitoring,
    - no concrete mixing, refuelling or washing out on site,
    - waste management plan & off-site waste disposal,
    - protection of watercourses from contamination.

Estuaries and Mudflats & Sandflats: The NPWS Site Synopsis notes that these habitats are present downstream of the project site. The proposed development has the potential to affect downstream water quality in the Slaney River Valley SAC with resultant adverse impacts on these QI coastal habitats. Having regard to the nature and scale of the project and the short duration of the works (c.12 weeks) and following the implementation of the mitigation measures and any recommended

conditions (incl. the management of sediments & accidental spills, and invasive species control), the proposed development would not have an adverse impact on water quality in the SAC, affect sedimentation patterns, or introduce invasive species. There would be no resultant adverse effects on the QI habitats with respect to their attributes and targets as summarised above.

Floating River vegetation: This habitat is present throughout the river systems in the Slaney River Valley SAC. The proposed development has the potential to affect downstream water quality in the SAC with resultant adverse impacts on this QI riparian habitat. Having regard to the nature and scale of the project and the short duration of the works (c.12 weeks) and following the implementation of the aforementioned mitigation measures and any recommended conditions, the proposed development would not have an adverse impact on water quality in the SAC or introduce invasive species to the watercourse. There would be no resultant adverse effects on these QI habitats with respect to their attributes and targets as summarised above.

Fisheries: The site and environs drain to the Slaney River via the Rathaspick River which forms part of the Slaney River Valley SAC further downstream, and suitable support habitat for several species of fish (incl. Lampreys) may be present in the Rathaspick River during their various lifecycle stages. Any deterioration of biological or chemical water quality or smothering of the riverbed substratum because of siltation, accidental fuel spills or poorly managed in-stream works could have resultant adverse impacts on the QI fish species, by affecting spawning grounds, food availability (incl. macro-invertebrates & macrophytes) and health (incl. clogging of fish gills). However, having regard to the nature and scale of the project and the short duration of the works (c.12 weeks) and following the implementation of the aforementioned mitigation measures and any recommended conditions, the proposed development would not have an adverse impact on fisheries in the Slaney River Valley SAC. There would be no resultant adverse effects on the QI fish species with respect to their attributes and targets as summarised above.

Otter: Otter has been recorded commuting in the environs of the site and along the watercourses (incl. Rathaspick River), although no holts were identified a preconstruction survey should be undertaken. Otter has the potential to be temporarily disturbed during the construction phase however the project would not introduce a barrier to movement along watercourses. Any deterioration of water quality because of the proposed works and resultant impacts on the availability of fish biomass for Otter could have an adverse impact on this QI species. However, having regard to the nature and scale of the project and the short duration of the works (c.12 weeks), and following the implementation of the aforementioned mitigation measures and any recommended conditions, the proposed development would not have an adverse impact on Otter during the construction and operational phases. Therefore, there would be no resultant adverse effects on this QI species respect to its attributes and targets as summarised above.

Various bird species: A wide variety of waterbirds (incl. resident, breeding, migratory & overwintering) are present downstream of the project within the Wexford Harbour and Slobs SAC. The project site does not contain optimal roosting or foraging habitat for the SCI species, with the exception of Grey heron which may roost in the trees around the perimeter of the site. Although this species may be temporarily disturbed during the construction phase, it is unlikely that it would be adversely affected by the operational solar farm, and the proposed native tree planting would enhance the woodland habitat within the site. As previously stated, any deterioration in downstream water quality because of the proposed works and resultant impacts on the availability of prey species could have an adverse impact on the SCI bird species. However, having regard to the nature and scale of the project and the short duration of the works (c.12 weeks) and following the implementation of the aforementioned mitigation measures and any recommended conditions, the proposed development would not have an adverse impact during the construction and operational phases. Therefore, there would be no resultant adverse effects on the SCI species with respect to their attributes and targets, as summarised above.

Potential in-combination effects: Potential direct and indirect in-combination effects relate to damage to QI habitats and QI and SCI species because of accidental spillages and sediment run off during the works, and the accidental

introduction of invasive species by construction vehicles. This could give rise to pollution, contamination and/or colonisation with resultant impacts on water quality, fisheries, and the availability of prey species for Otter and various bird species, having regard to the various plans or projects in wider area (incl. agriculture, commercial, domestic, recreation & maritime) in the absence of mitigation. However, having regard to the implementation of the mitigation measures and recommended conditions (see below), I am satisfied that there would be no adverse cumulative effects on these European sites or their QI habitats and their QI and SCI species.

Suggested conditions: Compliance with IFI "Guidelines on protection of fisheries during construction works in and adjacent to waters" should be required. A Project Ecologist should be appointed to oversee the works. Pre-construction Otter surveys should be undertaken. All plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Conclusion: I am satisfied that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of these European site/s in light of their Conservation Objectives, subject to the implementation of mitigation measures and planning conditions outlined above.

The NIS: I am satisfied that the applicant has described the receiving environment, identified the European sites within the Zone of Influence, and provided sufficient information to assess potential effects during the construction and operational phases on the QI habitats and species and SCI species before and after the implementation of mitigation measures. I am satisfied that the NIS was informed by relevant and robust desktop and site surveys and prepared in accordance with all relevant guidelines. I concur with the conclusions of the NIS as summarised above.

Conclusion:

I concur with the conclusions reached in the NIS that the proposed solar farm will have no adverse effects (direct, indirect or in-combination) on the Conservation Objectives or Qualifying Interests for any European Sites within the Zone of Influence of the project.

7.13. Appropriate Assessment Conclusion

I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site Nos. 000781 and 004076, or any other European site, in view of the site's Conservation Objectives.

8.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below, and subject to the attached conditions.

9.0 **Reasons and Considerations**

Having regard to:

- The National Planning Framework – Ireland 2040,
- The Eastern & Midland Regional Spatial & Economic Strategy 2019-2031,
- The Government of Ireland Climate Action Plan, 2024,
- The policies of the planning authority as set out in the Wexford County Development Plan, 2022-2028,
- The distance to dwellings or other sensitive receptors,
- The submissions made in connection with the application,
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- The report and recommendation of the Inspector.

and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development 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, including the Further Information received by the planning authority on the 13th day of December 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
   Reason: In the interest of clarity.

2. The mitigation measures identified in the CEMP, Ecological Impact Assessment report, Biodiversity Management Plan, and other plans and particulars, including submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions of this permission.
   Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.

3. The 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.
   Reason: To enable the planning authority to review the operation of the solar array in the light of the circumstances then prevailing.

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

5. The developer shall comply with the following additional nature conservation requirements:
    a. No felling or vegetation removal shall take place during the period 1st March to 31st August.
    b. The area of riparian habitat located along watercourses shall be marked and fenced off, and kept free from machinery and equipment, for the duration of the construction works.
    c. Works close to streams shall be carried out in accordance with the requirements of Inland Fisheries Ireland.
    d. A pre-construction mammal survey shall be carried out by a suitably qualified ecologist to check for the presence of any protected species (incl. otter and badger).
    e. In the event of badger setts being identified proximate to the proposed development, a 30m buffer zone shall be installed around the outermost entrances to the sett during the breeding season.
    f. Derogation licences shall be obtained as required.

    Reason: In the interest of biodiversity and nature conservation.

6. The developer shall comply with the following landscaping requirements:
    a. All landscaping, including augmentation of existing boundary trees and hedgerows, 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 within five years from planting shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

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

7. The developer shall comply with the transportation requirements of the planning authority.

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

8. The developer shall comply with the following noise requirements: -

(a) Noise from the construction stages of the development shall not give rise to sound pressure levels (L_{eq} 15 minutes) measured at noise sensitive locations which exceed 70dB(A) (LA_{eq} 1hour) between the hours of 8.00 and 18.00 Monday to Friday inclusive (excluding bank holidays) and 8.00 and 13.00 on Saturdays when measured at any noise sensitive location in the vicinity of the site. Sound levels from the site development works shall not exceed 45dB(A) (LA_{eq} 1 hour) at any other time.

(b) Noise from the operational stages of the development shall not give rise to sound pressure levels (L_{eq} 15 minutes) measured at noise sensitive locations which exceed which exceed the following limits:

a. 55dB(A) between the hours of 8.00 and 18.00 Monday to Friday inclusive (excluding bank holidays) and 45dB(A) at any other time.
b. There shall be no clearly audible tonal component or impulsive component in the noise emissions from the development any noise sensitive location.

Reason: In the interest of public health, to avoid noise pollution and to ensure a proper standard of development.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.
Reason: In the interest of public health and to ensure a proper standard of development.

10. The developer shall comply with the following technical requirements: -

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. Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.

d. The solar panels shall have driven or screw pile foundations only, unless otherwise agreed in writing with the planning authority.
e. Cables within the site shall be located underground.
f. The transformer / inverter station shall be dark green in colour.

Reason: In the interest of clarity, of visual and residential amenity, traffic safety, and to allow wildlife to continue to have access to and through the site.

11. The developer shall comply with the following archaeological requirements:

(a) Pre-development archaeological testing shall be undertaken by a suitably qualified archaeologist, licensed under the National Monuments Acts 1930-2004. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her written consent.

(b) 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. A copy of the report shall be submitted to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

(c) The planning authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs shall be notified in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.

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.

12. The construction of the development shall be managed in accordance with a final Construction and Environmental 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 a construction traffic management plan, a surface water management plan, intended construction practice for the development, including hours of working, noise management measures, off-site disposal of waste, and an invasive species management plan.
Reason: In the interests of public safety and residential amenity.

13. The site development and construction works shall be carried out such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.
Reason: To protect the residential amenities of property in the vicinity.

14. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.
Reason: In order to safeguard the residential amenities of property in the vicinity.

15. The developer shall comply with the following restoration requirements:
    a. Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, shall be submitted to and agreed in writing with the planning authority.
    b. On full or partial decommissioning of the solar array, or if the solar array ceases operation for a period of more than one year, the site shall be restored and structures removed in accordance with the said plan within three months of decommissioning/cessation, to the written satisfaction of the planning authority.

Reason: To ensure the satisfactory reinstatement of the site on full or partial cessation of the proposed development.

16. The developer shall pay to the planning authority a financial contribution of five hundred and forty euro (E540.00) 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. The application of any indexation required by this condition 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.
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.

17. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.
Reason: To ensure the satisfactory completion of the development.

Professional declaration

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Karla Mc Bride
Planning Inspector

31st July 2024