



### Development

RED III Category 3 Development-  
Construction of a solar PV energy  
development with an operational life of  
40 years on three land parcels.

### Location

In the townlands of Kilcandra,,  
Kilnamanagh Beg, Ballynagran, and  
Ballinaclogh, Glenealy, Co. Wicklow,  
A67FW96

### Planning Authority

Wicklow County Council

### Planning Authority Reg. Ref.

2560764

### Applicant(s)

Partridge Solar Limited

### Type of Application

Permission

### Planning Authority Decision

Split Decision

### Type of Appeal

First Party Normal Planning Appeal

### Appellant(s)

Partridge Solar Limited

### Observer(s)

Vincent Duffy  
Pauline Tallon  
Clara & John O'Donnell  
Conor Hilliard & Patricia Carraher  
Mary Kearns  
Darren Duffy

Amanda O'Sullivan & Kevin Cray

John Connolly

**Date of Site Inspection**

01 May 2026

**Inspector**

Hugh O'Neill

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## 1 Site Location and Description

The proposal is divided between 3 distinct parcels of agricultural land in the townlands of Kilcandra, Kilnamanagh Beg, Ballynagran, and Ballinaclogh, Glenealy, Co. Wicklow approximately 4km generally west of Wicklow town and circa. 6km generally east of Rathdrum in County Wicklow.

The proposed solar development is dispersed across 3 parcels of land in the rolling foothills of the Wicklow Mountains, with elevations ranging from circa 54 to ca. 153 metres Above Ordnance Datum (m AOD).

The eastern boundary of the application site C is located c. 200 west of the M11 at its closest point.

- Parcel A, Kilcandra is shaped by Three Mile Water River and extends to 58.5 hectares rising from circa 61m rising to 145m AOD.
- Parcel B, Kilnamanagh Beg extends to 87.4 hectares is located between road's L1111 and L1113 rising from circa 54m to 136m AOD.
- Parcel C, Ballynagran extends to 56.4 hectares west of the M11 adjoining an existing solar farm and the Ballinagran landfill rising from c. 72m to 104m AOD.

The subject site is in use as agricultural farmland divided between pasture and tillage which is also the dominant land use in the wider vicinity. There is a large landfill between parcel A and parcel C, there are commercial and some natural forestry on higher ground in the wider area and one off housing dispersed in the wider vicinity and bordering the site.

The application site is divided into fields by longstanding hedgerows containing many trees.

Parcels A and B are separated by local road L1111. Parcel A and C and local road L1113 runs along the southern boundary of the site. These local roads are generally lined by mature hedgerows.

There 2 locations where watercourses travel through the site, the northern boundary of parcels C and B entirely and A partially coincide with watercourses.

A cable connection is proposed between the 3 parcels and extending circa 5km to a future substation planned to the north of the application. The cable route is within public and private roads as well as crossing agricultural lands.

## 2 Proposed Development

### 2.1 Proposal

Permission is sought for a period of 10 years for the construction of a Solar development with an operational life of 40 years.

- The Proposed Development will consist of Solar Arrays on three land parcels totalling ca. 203.5ha, comprising the installation of ca. 806,630m<sup>2</sup> of photovoltaic panels mounted at 15 or 10 degrees on ground-mounted frames and associated ancillary development, including:
  - 23 transformer stations;
  - Two ring main units ('RMU') buildings;
  - String inverters attached to panel frames;
  - CCTV cameras mounted on 4m high poles;
  - Deer-proof perimeter security fencing (2m high) raised 150mm to allow for the movement of small mammals;
  - Three site entrances utilising existing entrances, including upgrade to entrance on L1111 to facilitate Construction and Operational Phase access;
  - Internal access tracks between the solar arrays and the site entrances;
  - Two clear span bridges over existing watercourses;
  - One primary temporary construction compound and two satellite temporary construction compounds;
  - All associated ancillary development works, including landscaping;
  - The installation of a total of ca. 6.1km of 33kV double circuit underground cable, of which ca. 2.4km will be beneath public (L1111, L1113, L5113, L51132 and L5112) and private roads in an excavated trench, including underground ducting, joint bays;
  - All associated site development and reinstatement works to connect the proposed RMUs on two of the land parcels of the solar PV energy development and extending to the site of a proposed 110kV substation are to be the subject of a

separate planning permission under the Planning and Development (Strategic Infrastructure) Act 2006.

The on-site CCTV will be remotely monitored via a 24/7 operational team who will alert all relevant personnel in the event of a break-in or vandalism at the Site. The cameras will only be focused along the fence line and will not be focused on any neighbouring dwellings. There is no proposal to include any artificial lighting as part of the Operational Phase of the Proposed Development.

The proposed connection to the Grid, a 110kV electrical substation is proposed to be located north of the proposed development, the underground cable to the proposed location of this substation is included as part of the subject application. It is proposed that this substation will be the location of the connection to the grid and will be subject to a SID application.

## **2.2 Documentation Accompanying Application**

The application was accompanied by the following listed documents and information:

- Planning Statement
- Environmental Report Vol 1, Vol 2 and Appendices
- Arboricultural Impact Assessment and Method Statement
- Engineering Planning Report.
- Water Framework Directive Assessment Report
- Decommissioning Plan
- Landscape and Visual Impact Assessment
- Landscaping Proposals
- Preliminary Construction Environmental Management Plan
- Preliminary Construction Traffic Management Plan
- Planning Statement
- Natura Impact Statement
- Various Drawings/ Plans / Section Details

### 3 Planning Authority Decision

#### 3.1 Decision

3.1.1 A split decision was made to grant permission for parcel C and refuse permission for parcels A and B.

3.1.2 Permission was granted for the development of Parcel C subject to 11 conditions which are of a standard nature with the exception of

- condition 6 which required a revised construction compound to be agreed as a result of the amendment to the development by the split decision.
- Condition no. 7 which requires a geophysical survey and archaeological testing prior to commencement.

3.1.3 The permitted element, Parcel C extends to 56.4 hectares.

3.1.4 Permission was refused for the development of Parcels A and B for the following reason: (reformatted for clarity)

Having regard to

- the location of the development within the Eastern Corridor landscape area,
- the significant scale of the Solar Development proposed,
- the topography of the lands and
- rural character which consists predominantly of a patchwork of fields with existing native hedging/ trees,

it is considered that the development on Parcels A and Parcels B of the overall site

- would form a distinctive and dominant feature in the landscape,
- would alter existing views from the L 1111, L1113 and the R751, including Deputy's Pass Walking Loop, and
- would be distinctive in longer views, and
- in the absence of clear details may impact on Kilmacurragh National Botanical Gardens, and

therefore would be contrary to the provisions of the County Development Plan 2022-2028 which seeks to protect the landscapes of County Wicklow from inappropriate development and ensure that new development is visually integrated.

To allow this development

- would result in the industrialisation of the local landscape,
- would impact on the amenities of the area, and
- on existing residents, and

the development would therefore be contrary to proper planning and sustainable development

3.1.5 The elements of the proposal which were refused permission parcel A and B extend to 145.9ha of a total application area of 203.5ha.

## **3.2 Planning Authority Reports**

### **3.2.1 Planning Reports**

- Having described the development, the site upon which it is proposed, the submissions received and the policy context the planners report describes the range of issues considered and the assessment undertaken.
- Proposal acceptable in principle.
- Mitigation measures set out in the application are described.
- Consideration of biodiversity, hydrology/soils, noise, tree and hedgerows, glint and glare, archaeological, roads and traffic, construction and aviation, give rise to no issues in the assessment.
- Landscape and visual impacts were considered in a level of detail reflecting the detail provided in the application. Concerns regarding the extent, effectiveness and interim impacts pending full establishment of proposed enhanced screening measures. Long views to have been underplayed in the submitted assessment including those from Kilmacurragh to which a value is assigned in the report.
- Screening and AA determination that the development will not have any negative effects on Natura sites.

- EIA screening acknowledges the submitted EIA screening and concludes that as the development is not a class of development for EIA that EIA is not required.
- Recommendation for refusal of the proposal in its entirety. The recommendation was overturned to a split decision by the delegated decision maker taking account of National and European policy.

### **3.3 Preplanning consultation record**

- Procedural aspects of RED III status were discussed including the absence of Further Information requests.
- Issues pertaining to Landscape, hydrological and biodiversity impacts are recorded as having been highlighted.

### **3.4 Other Technical Reports**

- Exec Scientist ( Pollution Control )
  - No objection to grant with conditions
- Ex Technician (Environment)
  - No objection subject to conditions

### **3.5 Prescribed Bodies**

- **Department of Housing, Local Government and Heritage.**
  - Fieldwork-based Archaeological Impact Assessment to be requested as further information.

#### **An Taisce.**

- Should be assessed against Article 4 of the WFD
- Riparian buffer zones should be established
- Direct, indirect and cumulative impacts of the proposed development should be addressed

- Archaeological sites appears to be visible between the northwestern plot of the subject site and the M11

- Ecological Impact Assessment may need to be undertaken

- **Inland Fisheries Ireland**

- No removal or disturbance of existing vegetation adjacent to existing watercourses or drainage ditches
- Final CEMP should consider the appropriate surface water protection measures to be adopted during the construction of bridge crossings
- IFI requests that a site walkover with the contractors in advance of construction works commencing.

- **TII**

- Glint and glare mitigation shall be incorporated as a condition in any permission granted.
- Engagement with Transport Infrastructure Ireland, and its agents and works contractors in advance of cabling works

### **3.5.1 Third Party Observations**

31 no. third-party submissions to the planning authority are recorded on file. The issues raised in the submissions are largely in line with those raised in the grounds of appeal and shall be dealt with in more detail in the relevant section of this Report.

## **4 Planning History**

- **PL 27.248424** ( PRR 16/1380) 10 year permission granted on an adjacent site for the development of a solar (PV) energy development with access track to be shared with the subject application within a total site area of up to 57 acres at Ballinaclogh, Rathnew, County Wicklow.
- **25/60311** Permission granted for cabling to connect above referenced Ballinaclogh Solar Development to the grid.

## 5 Policy Context

### 5.1 European policy

**2030 Climate and Energy Framework (October 2014)** The European Council endorsed EU-wide binding targets for 2021 to 2030 of 1) at least 40% less greenhouse gas emissions by 2030, compared to 1990 and 2) at least 27% renewable energy consumption in 2030.

**Regulation (EU) 2018/842** Ireland's binding greenhouse gas emission reduction target for 2030 in relation to 2005 levels is 30%, to comply with Paris Agreement commitments.

**European Green Deal 2020** aims to make Europe climate neutral by 2050, by doubling the share of renewable energy in the energy mix by 2030, compared to 2020, to reach at least 40%.

**REPowerEU Plan 2022 & Directive EU 2018/2001 (REDII)** (amended 18.05.2022) The REPowerEU Plan amended the RED II Directive, to require that 42.5% of energy is from renewable sources by 2030.

**Council Regulation (EU) 2022/2577** (22nd December 2022) This binding Regulation works together with the RED Directives. Article 3 introduced a rebuttable presumption that renewable energy projects are of overriding public interest, for the purposes of the relevant competing environmental legislation, being the Habitats Directive, Birds Directive and the Water Framework Directive. Paragraph 8 states that 'It is possible for Member States to consider applying this presumption in their relevant national legislation on landscaping'.

**Regulation 2024/223 (22 December 2023 amending Regulation (EU) 2022/2577)**

Paragraph 14 states that 'Article 3(2) of Regulation (EU) 2022/2577 requires priority to be given to projects that are recognised as being of overriding public interest ...where those projects introduce additional compensation requirements for species protection. ... The first sentence of Article 3(2) of Regulation (EU) 2022/2577 has the potential, ..., to further accelerate renewable energy projects since it requires Member States to promote those renewable energy projects by giving them priority when dealing with different conflicting interests beyond environmental matters in the context of Member States' planning and the permit-granting process'.

**RED III (European Renewable Energy Directive (EU/2023/2413))** sets a binding renewable energy target that by 2030, at least 42.5% of energy will come from renewable sources, but aims for 45%, significantly raising the previous 32% target in RED II and the EU's 2030 Climate and Energy Framework.

## **5.2 National Policy and Legislation:**

### **5.2.1 Climate Action and Low Carbon Development Act, 2015, as amended.**

This Act 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 of the Climate Action and Low Carbon Development (Amendment) Act, 2021 amends the principal act such that Section 15(1) requires:

- (1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—*
- a) the most recent approved climate action plan,*
  - b) the most recent approved national long term climate action strategy,*
  - c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*
  - d) the furtherance of the national climate objective, and*
  - e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.*

“Relevant body” means a prescribed body or a public body.

### **5.2.2 Climate Action Plan 2025 (2024) (CAP)**

Under the Climate Action and Low Carbon Development Act, 2015, as amended, Irelands national climate objective requires the State to transition to a resilient, biodiversity rich, environmentally sustainable and climate neutral economy by no later than the end of 2050. This national climate objective meets Irelands obligations under EU and international treaties, including the Paris Agreement (2015), the European Green Deal and the EU's objective to reduce GHG emissions by at least 51% by 2030 (compared to 2018) and achieve climate neutrality by 2050.

To meet its targets and obligations CAP 24 sets a course for Ireland to halve emissions by 2030 and reach net-zero no later than 2050. In terms of the electricity sector a 75% reduction in emissions based on 2018 levels is required by 2030 and CAP 24 provides that central to achieving this is the strategic increase in the share of renewable electricity to 80% by 2030 including ambitious targets of deploying 9GW of onshore wind, 8GW of solar power and at least 5GW from offshore wind projects. CAP 2025 was published on 15th April, 2025. It re-affirms the previous commitment to increase the share of renewable electricity generation to 50% by 2025 and 80% by 2030 including solar targets of up to 5GWs by 2025 and 8 GWs by 2030.

### **5.2.3 The National Adaptation Framework; Planning for a Climate Resilient Ireland (June 2024)**

The most recent approved national adaptation framework, the National Adaptation Framework; Planning for a Climate Resilient Ireland June 2024 (NAF) is Ireland's second statutory National Adaptation Framework (NAF) and was published on 5th of June 2024. The NAF and its successors do not identify specific locations or propose adaptation measures or projects in individual sectors, but sets out the context to ensure local authorities, regions and key sectors can assess the key risks and vulnerabilities of climate change, implement climate resilience actions and ensure climate adaptation considerations are mainstreamed into all local, regional and national policy making. The NAF identifies 13 (previously 12) priority sectors under 7 lead Departments that are required to prepare sectoral adaptation plans under the Climate Act in accordance with the Sectoral Planning Guidelines for Climate Change Adaptation.

### **5.2.4 Electricity and Gas Network Climate Change Sectoral Plan 2025 (EGN SAP 2025)**

The aim of this second sectoral adaptation plan is to address the risks posed by climate change to the electricity and gas networks. The Plan identifies and assesses impacts and risks across two Intergovernmental Panel on Climate Change (IPCC) climate scenarios (RCP4.5 and RCP8.5) and for mid-century, in line with Ireland's climate objective of achieving a climate neutral economy by 2050 and a Climate Action Plan target of 80% renewable energy generation by 2030. Proactive adaptation measures are set out which

include diversifying energy sources, including commercial scale PV to prepare for a carbon neutral energy system by 2050.

### **5.2.5 Project Ireland 2040 - National Planning Framework, 2018 (updated April 2025) NPF first revision**

National Strategic Outcomes (NSO) No 8 'Transition to a Carbon Neutral and Climate Resilient Society', states Ireland will have a more renewables-focused energy generation system harnessing energy sources such as solar and refers to greenhouse gas emissions reduction targets in the Climate Action and Low Carbon Development (Amendment) Act and the Climate Action Plan 2024. It also states that the accelerated delivery of additional renewable electricity generation is therefore essential for Ireland to meet its climate targets, reduce its greenhouse gas emissions, and improve its energy security by reducing reliance on imported fossil fuels and diversifying its electricity supply. Overall, it is a green energy objective to deliver 80% of our electricity needs from renewable sources by 2030.

Chapter 9 'Climate Transition and Our Environment' states that the Framework can support the response to climate change through a variety of measures including through the accelerated roll out of on-shore wind energy and solar development. Under the heading of 'Renewable Electricity' the 'Government has set ambitious targets to achieve 8 GW of solar by 2030' 'Rural Areas and Energy Production' states that 'Development of renewable energy generation can include co-location with agricultural activities that supports both a reduction in carbon emissions and land use diversification options for farmers'.

National Policy Objective 23 - Protect and promote the sense of place and culture and the quality, character and distinctiveness of the Irish rural landscape ...

National Policy Objective 30 - Facilitate the development of the rural economy, in a manner consistent with the national climate objective, through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting biodiversity and the natural landscape and built heritage which are vital to rural tourism.

National Policy Objective 70 (formerly NPO 55) seeks to 'promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050'. 'Regional Renewable Electricity Capacity Allocations' for the Eastern and Midlands region notes that 306MW of solar had been energised in 2023 with an additional capacity allocation of 3,294MW out to 2030. These targets form part of NPO 74 and are required to be planned for through the Regional Spatial and Economic Strategy.

### **5.2.6 Ireland's 4th National Biodiversity Action Plan 2023–2030**

The 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The NBAP will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity.

Objective 2 - Meet Urgent Conservation and Restoration Needs.

Objective 3 - Secure Nature's Contribution to People.

Objective 4 - Enhance the Evidence Base for Action on Biodiversity.

Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives.

### **5.2.7 National Energy Security Framework (April 2022)**

The Framework addresses Ireland's energy security needs in the context of the war in Ukraine. It coordinates energy security work across the electricity, gas and oil sectors. The Framework takes account of the need to decarbonise society and the economy, and of targets set out in the Climate Action Plan to reduce emissions. Theme 3 - Reducing our Dependency on Imported Fossil Fuels, focusses on three areas of work: █

7.1 Reducing demand for fossil fuels. █

7.2 Replacing fossil fuels with renewables, including solar energy. █

7.3 Diversifying fossil fuel supplies. █

Under 7.2, the statement notes that prioritising renewables is in line with the requirements of the recast Renewable Energy Directive and the EC REPowerEU action statement. The

Commission has called on Member States to ensure that renewable energy generation projects are considered to be in the overriding public interest, and the interest of public safety, and the Government supports this request.

### **5.2.8 National Development Plan 2021-2030**

Includes a Strategic Investment Priority for Renewable Energy that states, 'Regular Renewable Electricity Support Scheme (RESS) auctions will deliver competitive levels of onshore wind and solar electricity generation which indicatively could be up to 2.5 GW of grid-scale solar and up to 8 GW of onshore wind by 2030'. National Development Plan Review 2025 It notes €500 million has been allocated to the Department of Climate, Energy and the Environment to fund projects and programmes that will support climate mitigation and renewable energy development.

### **5.2.9 Ireland's Long-term Strategy on Greenhouse Gas Emissions Reductions 2024**

The National long-term Climate Action Strategy, entitled Ireland's Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, sets out indicative pathways, beyond 2030, towards achieving carbon neutrality for Ireland by 2050. The Strategy provides a pathway to a whole-of-society transformation and serves as a vital link between shorter-term Climate Action Plans and Carbon Budgets and the longer-term objective of the European Climate Law and Ireland's National Climate Objective.

## **5.3 The Regional Spatial and Economic Strategy for the Eastern and Midlands Region 2019-2031**

Enabling and Sustaining the Rural Economy.

Energy production, including renewable energy in the form of wind, solar and biomass have to date largely been provided in rural areas and the location of future renewable energy production is likely to be met in rural areas which is supported at a larger scale on appropriate sites in accordance with National policy and the Regional Policy Objectives.

The Strategy supports an increase in the amount of new renewable energy sources in the Region including solar.

Regional Strategic Outcome 9 is to support the Transition to Low Carbon and Clean Energy Pursue climate mitigation in line with global and national targets and harness the

potential for a more distributed renewables-focussed energy system to support the transition to a low carbon economy by 2050. (NSO 8, 9)

RPO 3.5 Identification of suitable employment and residential lands and suitable sites for infrastructure should be supported by a quality site selection process that addresses environmental concerns such as landscape, cultural heritage, ensuring the protection of water quality, flood risks and biodiversity as a minimum.

RPO 3.7 Local authorities shall have regard to environmental and sustainability considerations for meeting sustainable development targets and climate action commitments, in accordance with the National Adaptation Framework. In order to recognise the potential for impacts on the environment, Local authorities shall address the proper site/route selection of any new development and examine environmental constraints including but not limited to biodiversity, flooding, landscape, cultural heritage, material assets, including the capacity of services to serve any new development.

RPO 4.84: Support the rural economy and initiatives in relation to diversification, agri-business, rural tourism and renewable energy so as to sustain the employment opportunities in rural areas.

RPO 7.15 Local authorities shall take opportunities to enhance biodiversity and amenities and to ensure the protection of environmentally sensitive sites and habitats, including where flood risk management measures are planned.

RPO 7.27: Following the adoption of a national landscape character assessment, the Assembly will prepare a Regional Landscape Character Assessment to promote better landscape management and planning in the Region

RPO 7.28 Work with local authorities and relevant stakeholders, to identify areas of high value agricultural land and to ensure food security in the Region and to promote sustainable farming practices that maintain the quality of the natural environment, protect farm landscapes and support the achievement of climate targets.

RPO 10.20: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to

the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.

## **5.4 Wicklow County Development Plan 2022-2028**

### **CHAPTER 9 Green Industry**

CPO 9.21: To encourage and facilitate the 'circular economy' and the development of 'green' industries, including industries relating to renewable energy and energy-efficient technologies, material / waste recycling and conservation.

### **CHAPTER 16 ENERGY & INFORMATION INFRASTRUCTURE**

CPO 16.01: To support and facilitate to the highest degree possible the development of alternative and renewable sources of energy, particularly in the generation of electricity / heating and for use as transport fuel.

CPO 16.08: To facilitate and support the development of solar generated electricity.

CPO 16.10: To support the development of commercial scale ground mounted solar PV 'Solar Farms' subject to compliance with emerging best practice and available national and international guidance<sup>4</sup>.

*(footnote: 4 It should be noted that there is currently no national guidance available on the appropriate location and design of solar farms. However there are a number of excellent examples of such guidance provided in other jurisdictions and these will be utilised in the assessment of any applications; for example 'Planning guidance for the development of large scale ground mounted solar PV systems' produced by BRE National Solar Centre and Cornwall Council in the UK.)*

CPO 16.24 Proposals for the undergrounding of cables should demonstrate that environmental impacts including the following are minimised:

- Habitat loss as a result of removal of field boundaries and hedgerows by topsoil stripping;
- Short to medium term impacts on the landscape where, for example, hedgerows are encountered;
- Impacts on underground archaeology;

- Impacts on soil structure and drainage; and
- Impacts on surface waters as a result of sedimentation.

## **CHAPTER 17 NATURAL HERITAGE & BIODIVERSITY**

CPO 17.12 To protect non-designated sites from inappropriate development, ensuring that ecological impact assessment is carried out for any proposed development likely to have a significant impact on locally important natural habitats, species or wildlife corridors. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.

CPO 17.14 Ensure that development proposals support the protection and enhancement of biodiversity and ecological connectivity within the plan area in accordance with Article 10 of the Habitats Directive, including linear landscape features like watercourses (rivers, streams, canals, ponds, drainage channels, etc), woodlands, trees, hedgerows, road and railway margins, semi-natural grasslands, natural springs, wetlands, stone walls, geological and geo-morphological systems, features which act as stepping stones, such as marshes and woodlands, other landscape features and associated wildlife where these form part of the ecological network and/or may be considered as ecological corridors or stepping stones that taken as a whole help to improve the coherence of the European network in Wicklow.

CPO 17.26 Protect rivers, streams and other water courses by avoiding interference with river / stream beds, banks and channels and maintaining a core riparian buffer zone of generally 25m along watercourses (or other width, as determined by the Planning Authority having particular regard to 'Planning for Watercourses in the Urban Environment' by Inland Fisheries Ireland for urban locations) free from inappropriate development, with undeveloped riparian vegetation strips, wetlands and floodplains generally being retained in as natural a state as possible. Structures such as bridges should be clear span, and designed and built in accordance with Inland Fisheries Ireland guidance.

CPO 17.35 All development proposals shall have regard to the County landscape classification hierarchy in particular the key landscape features and characteristics identified in the Wicklow Landscape Assessment (set in Volume 3 of the 2016

County Development Plan) and the 'Key Development Considerations' set out for each landscape area set out in Section 5 of the Wicklow Landscape Assessment.

CPO 17.38 To protect listed views and prospects from development that would either obstruct the view / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.

### **Development Plan Designations**

Landscape Designation : Eastern Corridor. Transitioning towards North East Mountain Lowlands which are categorised as an Area of High Amenity. The western boundary of the application site forms the eastern boundary of the North Eastern Mountain Lowlands, an area classified as being at point 3 in the vulnerability hierarchy, designated as an Area of High Amenity.

National monument (mound) WI00691 located within the northwest corner of the site.

**Volume 3 Appendix 5 of the 2016-2022 CDP as incorporated into the 2022-2028 CDP by CPO 17.35 thereof.**

### **Corridor Area Key Development Considerations (see Appendix 4 Map 10.13(d))**

1. To protect views and prospects from the corridor area towards the surrounding landscape areas from development that would either obstruct the views / prospect from the identified vantage point or form an obtrusive or incongruous feature in that view / prospect. Due regard will be paid in assessing development applications to the span and scope of the view / prospect and the location of the development within that view / prospect.
2. Development proposals within this area should aim to locate within existing clusters of structures / tree stands and avoid locating new development in open fields.

**Appendix 2 of Volume 3 of Appendix 5 of the 2016-2022 CDP as incorporated into the 2022-2028 CDP by CPO 17.35 thereof.**

Table 1

Development proposals within the western and north eastern corridor landscape area should not unduly impinge on any views or prospects in these areas. Please refer to the **CA Key Development Considerations** for further details.

## 5.5 Other Guidelines of relevance

### 5.5.1 Best Practice Planning Guidance Report for Large Scale Solar Energy Development in Ireland (Irish Solar Energy Association), 2023

- *normally landscape impacts can be mitigated by avoiding certain parts of the land or through the incorporation of mitigation measures such as enhancement of hedgerow enhancement, additional screening planted or incorporation of setbacks from panels.*
- *There are many elements associated with solar farms which have the potential to influence the significance of the impacts on landscape character and visual amenity. These include:*
  - *Gradient of the site and the surrounding landform,*
  - *Extent of the application site,*
  - *Height and layout of the panels,*
  - *Colour of the panel's surrounding frames,*
  - *Treatment of the ground below and between the panels, for example to grow crops, graze small livestock,*
  - *Perimeter fencing.*

### 5.5.2 Landscape Institute and the Institute of Environmental Management and Assessment (IEMA) publication entitled Guidelines for Landscape and Visual Impact Assessment, 2013 (GLVIA3)

### 5.5.3 Planning guidance for the development of large scale ground mounted solar PV systems' produced by BRE National Solar Centre and Cornwall Council in the UK 2013

- *There are a number of elements associated with a solar farm development which have the potential to influence the significance of the impacts on landscape character and visual amenity:*

- *Gradient of the site and the surrounding landform,*
- *Extent of the application site,*
- *Height and layout of the panels,*
- *Colour of the panel's surrounding frames,*
- *Treatment of the ground below and between the panels, for example to grow crops, graze livestock, or to lay down mulch to reduce maintenance,*
- *Perimeter fencing.*

5.5.4 Planning and Development Guidance Recommendations for Utility Scale Solar Photovoltaic Schemes in Ireland October 2016 Future Analytics Consulting Ltd funded by SEAI

## 5.6 Natural Heritage Designations within a 5km buffer of the site

The appeal site is not located in or adjacent to any Natural Heritage Designations sites the following are Natural Heritage Designations within a 5km buffer of the site boundary.

<b>Designation name</b>	<b>Distance from site boundary Km</b>
The Murrough cSPA 004186	2.31
Wicklow Head SPA 004127	4.71
Deputy's Pass Nature Reserve SAC 000717	1.33
The Murrough Wetlands SAC 002249	2.31
Glenealy Woods pNHA 001756	0.32
The Murrough pNHA 000730	2.3
Wicklow Town Sites pNHA 001929	2.92
Wicklow Head pNHA 000734	4.69

## **6 The Appeal**

### **6.1 Grounds of Appeal**

An Coimisiún received a first party appeal which incorporated specialist input from a number of disciplines. The overriding grounds of appeal are summarised as follows with a more detailed summary set out in headings below.

- The proposed development will not give rise to a significant adverse landscape and visual impact.
- The planning officer report does not specifically assess the proposed development against the policies and the objectives listed in that report and the policy basis for the refusal of permission is not stated in the reason for refusal.

#### **6.1.1 Eastern Corridor landscape character area**

- The location of the proposal within the 'Corridor East Area – N11' is not a relevant consideration in the refusal of permission, is an area of low sensitivity and is not an Area of High Amenity or an Area of Natural Beauty.
- The landscape has the capacity to accommodate the proposal with no CDP policy conflict arising.

#### **6.1.2 Topography and rural character**

- The subject lands are of rolling terrain divided into distinct parcels, defined by hedgerows and trees enabling integration of the proposal as another layer of productivity of a diverse rural hinterland of Wicklow Town. This landscape in addition to agriculture includes forestry, quarries, major transportation infrastructure, high voltage transmission, and landfill.
- The findings of the LVIA submitted with the application in consideration of the views of concern in the planning report are reiterated, that residual effects are categorised as ranging from imperceptible, to slight and moderate.
- The appeal considers pre-mitigation impacts in the assessment not to be valid by virtue of their short duration.

- Views of the development from the Deputy's Pass walking route are acknowledged however the appeal notes that these are from a less well utilised section of the walk but notes no view is available from the core of the Deputy's Pass route or trailhead.

### **6.1.3 Impact on Kilmacurragh National Botanical Gardens**

- Viewpoint VP 15 in the submitted LVIA with the application is at the most exposed part of the gardens, the view of the PA in this regard is incorrect.
- VP15 indicates that the proposal will be fully screened at that point.
- The appellant is of the opinion that potential views from Kilmacurragh have been fully assessed, and it concluded that view therefrom will not be impacted by the proposal.

### **6.1.4 Industrialisation of the local landscape**

- The applicant rejects that Solar PV developments are industrial development.
- Commercial scale PV is increasingly familiar and are part of the rural landscape, are low level, follow the ground plane, and are accommodated within existing field patterns and would not negatively impact on the established appearance of the landscape.

### **6.1.5 Impact in longer views**

- The development would be a minor part of the character of fields, and forestry particularly taking account of the screening by roadside vegetation.
- The landscape in which the development will be viewed is not subject to a designation as a prospect of special amenity value or special interest in the County Development Plan.
- Additional photomontages from additional remote viewpoints have been submitted. In the view of the applicant, residual effect on long views is slight or slight imperceptible.

### **6.1.6 Amended proposal**

- Notwithstanding the applicant opinion that a refusal of permission for Parcels A and B by the PA was unjustified the applicant has submitted a revised proposal omitting a number of more exposed locally elevated areas, requesting that if An Coimisiún

consider the PA consideration to be of merit that an alternative option is available for consideration.

- An LVIA addendum report has been submitted which states it provides for further mitigation but is not for the purpose of reducing the impact below significant. The appeal considers the amendment by confining the panels to lower, less sensitive areas that they are substantially more screened, removes closer views and restores an agricultural transition to the forested upper slopes, thereby contributing to the integration of the proposal into the landscape.
- Photomontages submitted with the appeal demonstrate the predicted altered impacts.
- The review of the NIS submitted with the application in view of the appeal stage amendments concluded that the amendments do not have potential to result in any new of more significant effects to those identified, considered and assessed in the NIS.
- A review of the submitted WFD assessment concluded that findings therein remain valid, and the amendment would not compromise the objectives and requirements of the WFD.
- The proposed amendment results in no change to consideration of Biodiversity, Water and cultural heritage in the Environmental report.
- The appeal stage amendment would result in a slight reduction in noise at sensitive receptors.
- The appellant reiterates the policy imperative to deliver renewable energy at scale.

## **6.2 Planning Authority Response**

No response received.

## **6.3 Observations**

8 no observations were made to the subject appeal. I have summarised the issues raised in thematic format as follows:

- Insufficient notice/consultation with neighbours/community

- Diminished views replacing open rural scenery with industrial landscape or view of screening.
- Noise impacts from wind through the panels and supports.
- Road safety concerns relating to glint and glare particularly at bridge over Potters River. Low confidence in the modelling of glint and glare due to the complex topography relative to the average solar farm, impact won't be known until after construction. Concerns also raised for potential glint and glare from moon light.
- Loss of tillage land contrary to climate objectives.
- Cumulative impact with Greenstar, Greenking, Quarries and landfills resulting in increased HGV's on rural roads.
- Negative impacts on wildlife including badgers, red squirrels, bats and pine martens creating barriers to movement. Ex-situ impacts on species and habitats of Deputy's Pass.
- The amendments proposed by the developer on appeal in the form of removal of areas of panels from the proposal will be ineffectual in addressing the visual impact.
- Development contrary to objectives of CDP.
- Risk of Hydrological disruption.
- There are natural springs which flood the subject lands (location not provided).
- The proximity of the panels to residential boundaries precludes the planting of screening hedging due to shelter from trees.
- Photomontages unrepresentative and demonstrate screening in full leaf. Submissions contain photos from a range of locations presenting the case that impacts will be significant.
- Views from the Kilmacurragh gardens not fully assessed in LVIA
- The noise threshold proposed in the noise assessment of 55dB and accepted by WCC is incorrect and is for industrial development.
- Negative impact on residential amenity and wellbeing and will result in reduction in property value

- Roads unsuitable for construction traffic.
- 10 year construction and 40 year operation cannot be considered temporary in duration.
- Comparisons of landscape impact of solar PV arrays to crops or ploughed fields not reasonable. Agri use of fields constantly change, PV arrays fixed.
- As the revised proposal was not submitted to the PA it should be classed as a new application and should have no bearing on the appeal.
- Solar developments should be targeted to areas of flat land and not positioned in elevated positions such as is the case in the subject proposal.
- Carbon and human rights cost of manufacture and of transportation of panels not accounted for in the proposal.
- Revised proposal is an acknowledgment of the unacceptable visual impact of the proposal.
- In the absence of Irish Guidelines for the siting of commercial scale PV regard should be had to British guidance referenced in the Wicklow County Development Plan 2022 – 2028. This guidance encourages avoidance of best and most versatile cropland and landscape impacts.
- LVIA photomontages are presented from the point of a driver on the road and does not consider views for other road users including pedestrians or from residential properties.
- No local employment from the proposal.
- Damage to local established agricultural supply chains for goods and services supporting the local economy.
- Concerns expressed for soil erosion.
- The use of chemicals in construction and maintenance could impact on watercourses.
- The proposal would set a poor precedent for future commercial scale solar development.

## **7 Assessment**

The main issues are those referenced in the reason for refusal, which therefore form the basis of the appeal. However, taking account of the split decision, notwithstanding the assessment undertaken by the Planning Authority the following assessment is undertaken on the basis that An Coimisiún shall determine the application as if it had been made to it in the first instance. Therefore, having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development – Local, European, National & Regional Policy
- Landscape impact
- Loss of agricultural land
- Residential amenity
- Glint and Glare
- Traffic and transportation
- Archaeology
- Biodiversity
- Hydrology
- Site management and maintenance
- Procedural and other issues
- Environmental Impact Assessment Screening
- Appropriate Assessment
- Water Framework directive.

### **7.1 Principle of Development**

Section 15(1) of the Act, as amended states: █

*‘A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—*

*(a) the most recent approved climate action plan,*

*(b) the most recent approved national long term climate action strategy,*

*(c) the most recent approved national adaptation framework and approved sectoral adaptation plans,*

*(d) the furtherance of the national climate objective, and*

*(e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State*

7.1.1 As a relevant body, An Coimisiún Pleanála is required to exercise its function in a manner consistent with the applicable climate objectives, in so far as is practicable, and I have set out the following consideration to enable , An Coimisiún make their decision within that framework.

7.1.2 As outlined in respect of policy at Section 5 above, CAP 2025 was published on 15th April, 2025 and re-affirms the previous commitment in CAP 2024 to increase the share of renewable electricity generation to 50% by 2025 and 80% by 2030 including solar targets of up to 5GWs by 2025 and 8 GWs by 2030. There is clear support for the development of solar energy within this context. Ireland’s long-term Climate Action Strategy, entitled Ireland’s Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, sets out indicative pathways, beyond 2030, towards achieving carbon neutrality for Ireland by 2050. The Strategy provides a pathway to a whole-of-society transformation and serves as a vital link between shorter-term Climate Action Plans and Carbon Budgets and the longer-term objective of the European Climate Law and Ireland’s National Climate Objective. The National Adaptation Framework; Planning for a Climate Resilient Ireland (June 2024), the most recent approved national adaptation framework, the National Adaptation Framework; Planning for a Climate Resilient Ireland June 2024 (NAF) is Ireland's second statutory National Adaptation Framework (NAF) and was published on 5th of June 2024. The NAF sets out the context to ensure local authorities, regions and key sectors can assess the key risks and vulnerabilities of climate change, implement climate resilience actions and ensure climate adaptation considerations

are mainstreamed into all local, regional and national policy making. The NAF identifies 13 (previously 12) priority sectors under 7 lead Departments that are required to prepare sectoral adaptation plans under the Climate Act in accordance with the Sectoral Planning Guidelines for Climate Change Adaptation which were published in 2018 and updated in 2024 with 13 sectoral Plans prepared in 2025 including an Electricity and Gas Sectoral Plan. It is noted that the furtherance of the national climate objective is a central tenet of the above referenced Plans and strategies as is the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

- 7.1.3 The suite Climate and Energy policy and/or spatial policy including Wicklow County Development contains no direct spatially specific policy or objective to facilitate or to restrict development of Solar farms in the area of the subject site.
- 7.1.4 I conclude that there is a strong presumption in policy to look favourably upon grid scale solar developments. I consider the proposal to be acceptable in principle subject to normal planning and environmental considerations and the specific requirements and constraints set out in the Wicklow County Development Plan 2022-2028.

## **7.2 Landscape Impact**

- 7.2.1 The reason for refusal (section 4.1 above) relates to the landscape impact of the proposal. Accordingly, the grounds of appeal (section 8.1) relate to the landscape impact of the development as proposed at application stage and as amended in the revised proposal presented at appeal stage.
- 7.2.2 A landscape and Visual Impact Assessment, (LVIA) was submitted with the planning application to the PA, at section 8 of the Environmental Report. The LVIA states that it has adopted an approach following best practice, primarily *Guidelines for Landscape and Visual Impact Assessment, 2013* (GLVIA3) and was undertaken named employees of Macro works Ltd, described as experts in the field. The LVIA relies on the CDP landscape assessment for determining landscape character and sensitivity.
- 7.2.3 The Wicklow County Development Plan 2022-2028 references the 2010 and 2016 Landscape Assessment and sets out 15 Landscape areas in table 4.7 of Voume 3

of Appendix 5 of the 2016 CDP, which are incorporated into the 2022 CDP by CPO 17.35.

- 7.2.4 Landscape character areas are presented in a hierarchy of vulnerability. The subject site falls within a landscape character unit which originated in the 1999 CDP and was ratified in each CDP since, described as the N11/Eastern Corridor Landscape area.
- 7.2.5 Corridor areas have been assigned a vulnerability hierarchy number. The Eastern Corridor is assigned 4, of 6 categories with 1 being the most vulnerable (high) and 6 the least (low).
- 7.2.6 Classifications of Area of High Amenity (AHA) and Area of Natural Beauty (AONB) are assigned to landscape categories in vulnerability categories 1, 2 and 3. Eastern Corridor Landscape area not been classified as either AHA or AONB.
- 7.2.7 The western extreme of the application boundary does however coincide with the eastern boundary of the adjacent Landscape classification which is categorised as an AHA.
- 7.2.8 In 2015 a categorisation of landscape sensitivity was undertaken as a GIS desktop exercise to validate the existing landscape character areas. This analysis is utilised in the submitted LVIA assigning a sensitivity of *low to medium* and *medium* landscape sensitivity to the entire application site as a single unit. On close examination of this sensitivity mapping, sensitivity of the application site ranges from *Medium to high* at the upper end to *Low* at the lower end of the scale.
- 7.2.9 Taking account of the significant scale (203ha) of the application, the elevation ranging from 54 to 145m AOD there is significant variability in the sensitivity, vulnerability and therefore in the capacity of the subject landscape to assimilate the 806,630m<sup>2</sup> of proposed development.
- 7.2.10 On examination of the site and having taken account of the application, including the LVIA, the appeal, and observations, it is clear the areas of higher elevation in Parcels A and B demonstrate the highest landscape sensitivity and lowest capacity to absorb landscape impacts.
- 7.2.11 The submitted LVIA presents a zone of theoretical visibility (ZTV) map derived from a digital surface model (DSM). The percentage of the entire development visible

from each point is presented. Due to the significant scale of the site and distribution of the panels across the landscape in 3 individual parcels, I consider the modelled percentage visibility on the ZTV not be a useful measure of magnitude of impact relative to less extensive development types that such a methodology would be applied. The lowest category of visibility presented in the ZTV is below 20%. In this instance 20% of the development represents a change of tone and texture to an area of landscape extending up to a site area of 40ha and/or development area of 160,000m<sup>2</sup>. I do not accept that an impact of this scale could be considered to be a scale of small magnitude.

7.2.12 Wicklow Development Plan 2022-2028 policy objective CPO 16.10 and the associated footnote are of importance to the consideration of this appeal. I have repeated CPO 16.10 here and added emphasis for ease of reference:

*CPO 16.10: To support the development of commercial scale ground mounted solar PV 'Solar Farms' **subject to compliance** with emerging best practice **and** available national and international guidance<sup>4</sup>.*

*(footnote: 4 It should be noted that there is currently no national guidance available on the appropriate location and design of solar farms. However there are a number of excellent examples of such guidance provided in other jurisdictions and these **will be utilised in the assessment** of any applications; for example '**Planning guidance for the development of large scale ground mounted solar PV systems' produced by BRE National Solar Centre and Cornwall Council in the UK***

7.2.13 It remains the case at the time of writing that there is no national guidance on the appropriate location and design of solar farms. I have reviewed the BRE Planning Guidance referenced in the Development Plan and will broadly follow relevant considerations therein in my assessment. Consideration of impact on agricultural land and EIA screening which form part of these guidelines are addressed in the relevant sections of this report

7.2.14 Each determination relating to importance/sensitivity and magnitude are dependent on judgements each of which contribute to the final determination of impact. I therefore set out below each of these decision points as addressed in the BRE guidance and as presented in the application.

### **7.2.15 Assessment of the receptor (landscape) sensitivity.**

7.2.16 The submitted LVIA assess the 3 parcels of land, (203 ha) as a single landscape unit and concludes that landscape sensitivity is deemed to be Medium-low, with localised areas of higher and lower sensitivity without identifying factors or distribution of areas of higher sensitivity. The LVIA has skipped consideration of design stage mitigation of impacts by exclusion of areas of higher sensitivity until the appeal stage submission and has failed to demonstrate the basis of selecting areas removed. Concluding medium-low receptor sensitivity is inadequate taking account of the scale of the proposal and the variability of the receiving environment.

7.2.17 I have examined the proposal, the LVIA, policy context and in particular the 2010/2016 landscape assessment incorporated into the Wicklow County Development Plan 2022-2028 as they relate to the subject site. I have considered the Landscape Assessment by Wicklow County Council and the reliance of the LVIA on it to reach conclusions regarding the site-specific landscape sensitivity. I believe the LVIA contains insufficient justification in support of the overall conclusion that the proposal will not give rise to any significant residual effects.

7.2.18 I consider the most sensitive/prominent parts of the subject site to be the western, most elevated sections of parcel A and B. In accordance with the guidance set out in the *Planning guidance for the development of large-scale ground mounted solar PV systems* I am satisfied that these areas of the proposed site are of medium to high sensitivity, and of medium to high importance.

### **7.2.19 Assessment of the receptor (visual) sensitivity.**

7.2.20 The sensitivity of the receptor has been categorised in the LVIA as it relates to each of the viewpoints as tabulated in table 8.7 of the Environmental Report submitted with the application. This has been amended/augmented by the appeal stage revisions.

7.2.21 The submitted LVIA states that overall, receptor sensitivity ranges between High-medium and Medium, with tourism, amenity and heritage receptors within the study area. Visual receptor sensitivity relates to the occupation of the visual receptor and whether views of the surrounding landscape are an inherent part of the experience.

7.2.22 I consider the most sensitive parts of the subject site to visual receptors be the western, most elevated sections of parcel A and B. In accordance with the guidance set out in the Planning guidance for the development of large-scale ground mounted solar PV systems I am satisfied that these areas of the proposed site are of medium to high sensitivity, and of medium to high importance.

### **7.2.23 Magnitude of landscape and visual effects**

7.2.24 The relevant guidance states that when assessing the magnitude of effect the size / scale will generally be a greater consideration than duration / reversibility of the effect.

7.2.25 The submitted LVIA consideration of magnitude does not take the extensive nature (area covered) of the development into consideration, focusing its consideration to the duration of the of the change.

7.2.26 Duration for construction related impact is presented as 72 weeks, decommissioning, is assumed to be similar and operation duration is 40 years. EPA EIAR guidelines define 15 to 60 years as long term. GLVIA3 considers long term to be 10 to 25 years. The submitted LVIA places significant emphasises the reversibility of impacts in the consideration of magnitude of effect.

7.2.27 Section 8.6.6 para 4 of the LVIA states that the tone and texture of the panel array are clearly 'built form' and represent an increase in the intensity of built development in the immediate landscape context. Consideration of how the spatial extent of this change of tone and texture relative to the sensitivity is not adequately considered in the LVIA.

7.2.28 The LVIA concludes that the magnitude of the landscape effect is medium within the immediate vicinity and low to negligible beyond 1km from the proposal and concludes by determining a landscape sensitivity of medium-low (as described above) and a medium magnitude of effect, the overall significance is determined to be no greater than moderate in the immediate vicinity <500m and slight or imperceptible within a 5km radius beyond the 500m buffer.

7.2.29 Taking account of magnitude, on the basis that the tone and texture of PV panels, at the scale proposed I am satisfied that the Magnitude of the landscape effects are medium adverse. I am satisfied that the loss/major alteration of key elements of the

pre-development landscape on receptors including residents, visitors and landscape, at points immediately adjacent to the proposal medium to high adverse.

### **7.2.30 Assessment of the impact on landscape character**

7.2.31 The attributed sensitivity of the landscape to change (vulnerability) and the magnitude or scale of the landscape effect combine to determine significance of effect on landscape character.

7.2.32 Notwithstanding the reliance on individual viewpoints in the developer assessment the sensitivity of the receiving landscape and the magnitude of impact were presented by the applicant as a single planning unit. Applying the precautionary approach to the assessment, taking the proposal as a single unit of impact on a landscape character area as a single unit of sensitivity, I am satisfied that the impact would be of medium to high medium adverse significance, and would for that reason exceed the reasonable assimilative capacity of the landscape. I therefore consider the proposal as a unit contrary to the proper planning and sustainable development of the area.

### **7.2.33 Subdivision of magnitude and sensitivity**

7.2.34 The Planning Authority planning report recommendation considered the proposal, as a single unit (as presented) and recommended refusal for reasons of landscape impact.

7.2.35 The decision of the planning authority divided consideration of sensitivity and magnitude of impact into individual parcels concluding that development of Parcel C was of lower sensitivity and therefore acceptable and that development of parcels A and B were not.

7.2.36 Following consideration of the PA decision the developer submitted a further subdivision of Parcels A and B, presenting an amended proposal at appeal stage removing panels from several of the more elevated fields in Parcels A and B. The stated purpose of removing these elements is mitigation of impact on short and long views from east and west.

7.2.37 I note that mitigation by omission of areas of sensitivity at design stage is consistent with application of GLVIA3. In this case this first tier of mitigation has been proposed to a limited extent by the applicant at appeal stage.

7.2.38 The mitigation of landscape impact by redesign at appeal stage has taken the form of omitting fields in parcels A and B which fall entirely above the 100m contour line from the proposal. I consider this mitigation to go some way to address the landscape impact. However, having examined the areas where this appeal stage design mitigation is proposed I consider removal of all fields in parcels A and B any boundary of which intersect with the 100m contour would mitigate landscape and visual impacts in a more comprehensive manner.

7.2.39 This proposed mitigation by condition requiring re-design, at consent stage would, in addition to providing a more visually coherent agricultural transition to the commercial forestry, and future cumulative landscape impacts on clear-felling of this forestry. It is also notable that the modelled source of reflectance to receptors in the Glint and Glare Study (below) is concentrated from these fields.

#### **7.2.40 Conclusion of Landscape Impact Assessment**

7.2.41 An Coimisiún will note that the issue of landscape impact of the proposed development was a stated concern of the Planning Authority from the outset of pre-planning engagement on the project. However, no amendment was made to the proposal to address the concerns until appeal stage.

7.2.42 Where An Coimisiún are minded to grant permission for the proposal with amendment to mitigate the landscape impact I am satisfied that a condition requiring the exclusion of development from fields in parcels A and B which fall entirely or partially above the 100m contour line as presented on Tailte Éireann Discovery Series mapping (1:50,000) would, mitigate the landscape and visual impact from close and distant view to an extent that the proposal would be consistent with the proper planning and sustainable development of the area with a reduction of circa 59 Ha from the 203.5 ha application area.

7.2.43 I consider the sensitivity of the Parcel C to fall into the Low category and for that reason is acceptable regarding landscape and visual impact.

7.2.44 As the amendments I propose fall within the footprint and environmental envelope of the initial proposal I do not consider any party to be disadvantaged or excluded from the process or the scope of any of the accompanying assessments would be exceeded by my recommendation.

### **7.3 Loss of agricultural land**

- 7.3.1 Submission have expressed concerns regarding the loss of land, particularly tillage lands from agricultural production. *Planning guidance for the development of large scale ground mounted solar PV systems* 2013, as referenced in policy CPO 16.10 of the Wicklow County Development Plan 2022-2028 also address the issue of loss of agricultural land. Agricultural land classification/grading of land for agricultural purposes as described in these guidelines in consideration of Solar development are not a feature of Irish land use planning.
- 7.3.2 Whilst the current tillage and intensive cattle grazing use would cease, grazing of sheep is proposed as a secondary use. The development works themselves are relatively non-intrusive. The proposal includes for removal of and return of the lands to agricultural use following the completion of the decommission phase.
- 7.3.3 There is no currently policy provision which precludes the development of solar farms on agricultural land for reasons of its loss of its established agricultural production use.
- 7.3.4 Pending the adoption of a policy framework to address this issue as envisaged by RPO 7.28 of the RSES I do not consider that the proposed development would be unacceptable solely on grounds of the loss/reduced productivity of agricultural lands.

### **7.4 Residential Amenity**

- 7.4.1 Noise is addressed in chapter 7 of the submitted ER in the form of a noise impact assessment. The assessment was prepared with reference to listed standards, guidelines and regulations by a named competent expert. A total of 117 no. Noise Sensitive Receptors (NSR) were identified and assessed.

- 7.4.2 A concern was highlighted in a submission that the use of a 55dB was inappropriate for a rural location. I note that limits at NSRs in the event of evening and weekend works being required as LAeq,1hr 55dB, with the daytime limit set at LAeq,1hr 65dB. These limits are derived from British Standard BS5228-1 which is a recognised standard. Although a day time operational limit of 55dB LAeq,T is referenced in relation to predicted operational noise levels at NSRs I note that the worst case calculated cumulative LAeq,T dB is 41 representing a +1 predicted change on background noise which is noted by the expert author as an imperceptible change. I note that modelling of the nighttime noise generation also falls within acceptable parameters. I am satisfied that the assessment has been undertaken correctly to identify the appropriate limits for the construction and operational phases of the proposal.
- 7.4.3 Submissions have raised the issue of wind noise arising from the arrays. Noise modelling undertaken by the applicant did not include the arrays as it states that there are no specific emissions arising from these arrays. The submitted ER addresses the issue at section 7.11 of the ER and concludes that any impact arising would be insignificant. I note that Environmental Noise Guidance for Local Authority Planning & Enforcement Departments by the Association of Acoustic Consultants of Ireland reports an absence of evidence to suggest that such emissions actually occur, noting none have been reported in Ireland or the UK.
- 7.4.4 The development includes mitigation measures for construction noise including a response procedure in the CEMP to noise complaints and noise limit breaches. With the implementation of the mitigation effects are predicted to be temporary and Negligible for all NSRs. No adverse noise effects from the operational phase have been identified in the modelling undertaken.
- 7.4.5 There is potential for construction activities to impact in relation to noise, dust, traffic and general disturbance. These impacts would be temporary in nature and I am satisfied that they can be dealt with through effective construction management. The operational phase of the solar farm is unlikely to have an adverse impact on the residential amenities of nearby properties due to the lack of activity associated with this type of development that would generate disturbances of this nature.

7.4.6 Subject to mitigation as set out in the proposal including in the CEMP I consider that impacts on residential amenity will be of a magnitude such that they are not significant in the context of the policy context and the proper planning and sustainable development of the area.

## **7.5 Glint and Glare**

7.5.1 Chapter 9 of the ER presents a Glint and Glare Assessment carried out by Macro Works. The purpose was to determine the potential for solar reflectance effects upon dwellings and transport route receptors within 1km of the Site. The potential for hazardous effects upon aviation activities in the wider area was also considered.

7.5.2 Design stage modelling identified a portion of panels in parcel C which present a risk of reflectance along the M11. Design stage mitigation was applied reducing the angle of these panels to thereby eliminating the potential for reflectance along the M11 motorway from the modelled future scenario.

7.5.3 Potential residential receptors were identified and analysis undertaken. A potential impact on a single house was modelled (H66) located on the north side of the R751 to the east of the M11.

7.5.4 There is a discrepancy between modelled impacts as presented in appendix 9-1 and appendix 9-3 of Volume 2 of the ER for receptor H66 in the existing and proposed screening scenarios. The reflectance is eliminated by mitigation as presented in the mapping of the modelled future scenario but only reduced in the tabular presentation of the modelling. The more adverse (reduced impact) of these scenarios is addressed in the narrative of the ER (section 9.4.6.1) and forms the basis of my consideration of the impact.

7.5.5 In the absence of mitigation the house is forecast to be exposed to a risk of reflectance for a period of 22 minutes per day for a total of 51 days in the year in the evenings from March to September, (518 minutes per annum). Post establishment of the mitigation this reduces to 290 minutes per annum. The modelled scenario assumes full sunshine for the 290 minutes and are for that reason considered by be highly precautionary.

- 7.5.6 The expert conclusion in the submitted assessment is that through use of anti-reflective coatings there will be no significant nuisance effects generated from glint and glare towards any surrounding dwellings including H66.
- 7.5.7 Areas of panels from which the reflectance to H66 (and elsewhere) coincide with panels at higher elevations in parcels A and B which I have recommended to be omitted for reasons of landscape and visual impact. Where An Coimisiún are minded to grant permission in accordance with my recommendation to reduce the extent of the development on higher elevations in parcels A and B, I consider the modelled potential for reflectance to H66 and other residential and road receptors to arise will substantially reduce or removed.
- 7.5.8 I have not examined and compared the source data presented in tabular form with that in map form for each modelled receptor in detail. However, on summary review I have not identified any other anomalies. Having identified the inconsistency, and in the interest of ensuring the efficacy of modelling and effectiveness of mitigation across the various identified receptors, if An Coimisiún are minded to grant planning permission I recommend a condition be attached to monitor/validate the modelled glint and glare impacts and address any issues identified post construction.
- 7.5.9 444 road receptor points were examined for theoretical potential for glint and glare impacts. Taking existing screening into account the number of potential receptor points was reduced to 90 and to 25 with mitigation added. Following examination, the expert report concludes that the glint and glare emanating from the Proposed Development will not generate significant nuisance or hazard effects for road users.
- 7.5.10 Issues were raised in a number of submissions relating to glint and glare arising from moonlight. I consider this not to be of concern as the strength of moonlight reaching receptors would be minimal and the sensitivities of any potential receptors would be low at night. The issue of the complexity of the topography as raised in submissions is addressed in the Glint and Glare assessment in its utilisation of the DSM with onsite model verification post construction.
- 7.5.11 Having reviewed the expert Glint and Glare assessment report I am satisfied that subject to post construction verification of the modelled potential for issues of Glint and Glare to impact on Residential amenity and road safety has been adequately addressed and no significant effects are anticipated.

## **7.6 Traffic and Transport**

- 7.6.1 A Construction Traffic Management Plan (CTMP) has been submitted in support of this planning application. Construction routes have been selected to provide an efficient connection to the national motorway network and to minimise potential road disruption. The CTMP has included carefully selected transport routes to ensure that HGVs delivering materials during the construction phase will minimise any effects on the existing road network during this temporary period. A detailed Construction Traffic Management Plan which will be agreed upon with the Council in advance, will be fully implemented during the construction of the Proposed Development.
- 7.6.2 I note that only minor works are required to achieve and maintain sightlines at the proposed entrance/egress points to public roads.
- 7.6.3 Submissions have raised concerns relating to construction transport related impacts on residential amenity, road safety and impacts on local road structures and capacity.
- 7.6.4 I witnessed large agricultural machinery, HGV's, quarry trucks and passenger cars navigating the local roads and passing in opposite directions of travel in the vicinity in the course of my site visit.
- 7.6.5 As described in the CTMP I consider the volume and duration of construction traffic proposed and the works proposed within the public to be acceptable in the context of the final CTMP which will be subject to final agreement with the Roads Authority.

## **7.7 Archaeology**

- 7.7.1 A high density of archaeology has been recorded to the eastern side, outside of the application boundary. Many of these records have been discovered in the course of works to the N11/M11 and Ballynagran landfill. A comprehensive list of these finds is set out in table 10-2 of the ER which indicate the potential for finds within the subject site.
- 7.7.2 The application proposes non-intrusive geo physical survey and test trenching to be undertaken in advance of any construction works subject to planning permission.

- 7.7.3 The Department of Housing, Local Government and Heritage in its report recommended archaeological testing prior to decision. The PA responded to this request with a condition requiring testing prior to commencement consistent with the proposal.
- 7.7.4 Archaeological mitigation by design is proposed in the application of a development buffer around the single know monument in the application site ref: WI031-003.
- 7.7.5 Notwithstanding the potential for amendments to the proposal arising from the archaeological testing, which may entail archaeological resolution and/or exclusion of areas of panels and/or use of concrete shoes in lieu of piles, I consider that sufficient development control remains at compliance stage. Archaeological licensing and other legislative provisions allow for archaeological testing to be the subject of a condition where An Coimisiún are minded to grant permission.

## **7.8 Biodiversity**

- 7.8.1 This section concerns general biodiversity and ecology and in particular potential impacts and opportunities for creation/enhancement of habitats and species which are not qualifying interests of European sites. Matters relating to European sites and associated habitats and species are considered below in the Appropriate Assessment in section 8 and appendices 3 and 4.
- 7.8.2 The submitted Environmental report presents a comprehensive desk and field analysis of the biodiversity assets of the subject site and surrounding area. Of note are the presence of 2 no. badger setts, sighting of red kite and the poor water quality results at each of the sampling point. Pockets of undesignated woodland conforming to fossit classifications WD1, WD2 and WN1 were identified, protection measures are proposed to protect each. Areas of wet grassland of biodiversity value were identified and measures put in place for ongoing protection during operational phase.
- 7.8.3 Minimum buffers for works are proposed during construction and to be maintained throughout the lifecycle of the Proposed Development, as follows:
- 5m buffer between all works and infrastructure and drainage ditches, with the exception of crossings

- 5m buffer between all works, solar farm infrastructure, and existing hedgerow / treelines to be retained with the exception of openings
- 25m buffer between all works, solar arrays, string inverters, transformer stations, RMUs and associated infrastructure and EPA designated watercourses, with the exception of crossings
- 30m buffer between all solar arrays and badger setts
- 50m buffer zones between all stockpiles and any waterbody.

7.8.4 I consider the buffers proposed to be acceptable. In association with the cessation of fertiliser application and removal of cattle the proposal has potential to contribute to enhanced water quality and aquatic and terrestrial biodiversity.

7.8.5 A clearly defined set of mitigation, protection and enhancement measures are set out for biodiversity.

7.8.6 I note contradictions with the submitted reporting regarding the use of herbicides. (Sections 5.2.1, 5.2.3 and 5.2.4 of the biodiversity management plan). I consider for the avoidance of doubt that a prohibition on the use of chemical herbicides should be the subject of a condition in the event of a grant of permission.

7.8.7 Although the planting proposed for riparian areas, thickets and hedgerows is confined to native species is notable species which were not noted in the survey are proposed for planting. I consider it appropriate to request a revised species mix to be agreed for biodiversity planting prior to commencement limiting planting to species indigenous to the area.

7.8.8 Each of the biodiversity enhancement measures are welcome with the yellowhammer enhancement areas described at section 5.5.4.1 of biodiversity management plan being of particular merit. This and each measures proposed in the Biodiversity Management Plan should be included in the ongoing active multi annual management of the area which is the subject of the application (including areas where panels are not permitted) for the duration of the proposal. I recommend that the condition requiring a final CEMP be required to include each of the protection and the enhancement measures set out in the biodiversity management for the full application area including areas in which panels have not been authorised.

- 7.8.9 Given the nature of the proposed development, I consider that the potential negative impacts on ecology are primarily related to construction disturbance. The cessation of the primary agricultural activities along with the measures set out in the biodiversity management plan will serve to enhance the biodiversity of the site.
- 7.8.10 Having regard to the measures incorporated into the design and implementation of the development, including the retention of hedgerows, buffer areas between solar panels to all water courses hedges and drains, the surface water management and good practice pollution control measures, and the removal of intensive agriculture, I consider that the proposed development will result in an improvement to the biodiversity of the site and will not have a significant adverse ecological impact.

## **7.9 Hydrology and Hydrogeology**

- 7.9.1 Specific consideration of Water Framework Directive compliance is set out in section 10 of the report below and Appendix 5. The following assessment relates to the hydrology of the receiving environment generally and potential impacts thereon in consideration of proper planning and sustainable development.
- 7.9.2 Chapter 6 of the submitted ER contains a detailed consideration of surface and groundwater receiving environment and potential impacts arising thereon from the proposal. A Water Framework Directive Assessment report was also submitted as part of the application.
- 7.9.3 The application proposes no connection for water supply or disposal with no abstraction or discharge proposed to any waterbody.
- 7.9.4 Buffers are proposed from all waterbodies and drains and best practice methodologies and procedures for protection of waterbodies are listed and form part of the proposal.
- 7.9.5 Proposed access tracks and temporary contractors' compounds shall be surfaced with a layer of hardcore retaining the greenfield drainage characteristics of the site. Drainage of bound surfaces at the entrances are proposed to discharge to soakaways.
- 7.9.6 Portable toilet facilities are proposed during the construction phase and no foul drainage requirement during operational phase.

- 7.9.7 Springs and groundwater flooding were raised in a submission to the application. A single spring is reported in section 6.3.3.4 of the ER. I note the broad and detailed consideration given to hydrogeological baseline in the ER. Groundwater and surface water flooding are also given detailed consideration, and no issues were identified relating to any known spring within or adjacent the site. Notwithstanding the absence of an identified risk, the vulnerability of solar farms to flooding is low. I am satisfied that the matter has been adequately considered and has been addressed in the application.
- 7.9.8 In conclusion, taking into account absence of significant negative impacts and the mitigation measures proposed, I am satisfied that the proposed development would not negatively impact on current drainage patterns or result in a significant risk of flooding, pollution or other hydrological impacts. Therefore, I am satisfied that the development is acceptable from a hydrological and hydrogeological perspective.

## **7.10 Site Management and Maintenance**

- 7.10.1 A preliminary Construction and Environmental Management Plan (pCEMP) was submitted with the application. A Final CEMP which is to take account of the preliminary plan is proposed.
- 7.10.2 A landscaping management plan which describes the planting of new hedgerows, trees, riparian woodland and bolstering of existing hedgerows incorporation biodiversity enhancement measures has been submitted and is generally acceptable subject to finalisation in accordance with biodiversity requirements set out above.
- 7.10.3 A preliminary CTMP has been submitted as part of this application. I consider the plan to be generally acceptable subject to final agreement with the Planning Authority.

## **7.11 Procedural and other issues**

- 7.11.1 Notwithstanding concerns highlighted in submissions I note that consultation with the community was undertaken. By virtue of the engagement of the community with the planning process in the form of 3<sup>rd</sup> party objections and submissions at appeal stage I consider that community notification and engagement were satisfactory.

- 7.11.2 I note the concerns raised in submission in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.
- 7.11.3 Having regard to the nature and extent of the proposed development and the material considerations required for its development, including a grid connection and the need for financial certainty before progressing with construction, I am satisfied that 10-year permission is acceptable in this instance. Regarding the requested operational period of 40 years, this appears reasonable in the context of increased knowledge relating to the durability of the proposed infrastructure. I also note that there is significant precedent for similar operational periods being permitted by the Commission.
- 7.11.4 The issue of entitlement to use the private road to access Parcel C has been raised by third parties to the PA and in submissions to the appeal. Reference is made to the involvement of Wicklow County Council in this matter. A letter accompanying the application from Wicklow County Council to Partridge Solar dated 22 September 2025 appears to relate to the subject lands and consents to the inclusion of these lands in the application. I consider this letter to be a consent in accordance with requirements of the Planning and Development Regulations 2001 as amended. Moreover, An Coimisiún cannot adjudicate on matters relating to property rights and land ownership. In this regard, Section 34(13) of Planning and Development Act, 2000 (as amended), states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'.
- 7.11.5 Reference is made to the requirement for a 110kV substation and the separate consent process as Strategic Infrastructure Development. Consideration was given to the connection and the future substation requirement throughout the application and the assessment thereof including the NIS, AA, WFDA and relevant sections of the Environmental Report.

## **7.12 Planning Authority conditions**

7.12.1 Wicklow Co Co permitted development of parcel C subject to 11 conditions all of which are of a standard nature with the exception of the following conditions:

- 6 which required a revision to the design with regard to construction compounds due to the refusal of parcels A and B which included compounds to facilitate development of Parcel C.
- 7 which required archaeological testing and resolution prior to commencement of works.

## **7.13 Conclusion of Planning Assessment**

Taking account of the planning assessment, policy context in support of renewable energy production and the protection of landscape and local environment I consider subject to amendment by condition the development is consistent with the proper planning and sustainable development of the area. The amendment proposed by condition combines a reduction in scale along with the removal of areas of highest landscape sensitivity. The proposed amendment by condition therefore reduces the magnitude of impact to a level consistent with the proper planning and sustainable development of the area.

## **8 Appropriate Assessment**

### **8.1 Screening Determination – Finding of likely significant effects**

8.1.1 In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on The Murrough SPA 004186 in view of the sites conservation objectives. Appropriate Assessment (stage 2) is required.

8.1.2 In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on The Murrough SPA 004186 in view of the conservation objectives of that site relating to mobile species and that Appropriate Assessment under the provisions of S177V was required.

## 8.2 Natura Impact Statement (NIS) – Conclusion of Integrity Test

8.2.1 Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the The Murrough SPA 004186 can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

8.2.2 My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Mobile species Qualifying Interests of The Murrough SPA 004186.
- The proposed development will not affect the attainment of conservation objectives for The Murrough SPA 004186 or prevent or delay the restoration of favourable conservation condition for the qualifying interests thereof.
- Effectiveness of mitigation measures proposed and adoption of pCEMP/schedule of commitments as set out in section 12, Volume 1 of the Environmental Report submitted as part of the application to the planning authority.
- Application of planning conditions to ensure implementation of mitigation measures.

## 9 EIA Screening

The applicant submitted Schedule 7A information across the submitted Environmental report as referenced in table 3-5 in volume 2 thereof.

The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads

Form 1 (Appendix 1) sets out the pre-screening undertaken and Form 3 (Appendix 2) sets out the screening Determination undertaken which concludes as follows:

### 9.1 EIA Screening Determination

#### ***EIAR not Required***

Having regard to: -

- the nature and scale of the proposed development, which of itself is not a class of development and falls below the thresholds in respect of Class 1(a) and Class

10(dd) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;

- the consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of solar farms which is not, of itself, a class for the purposes of the EIA Directive;
- the nature of the existing site and the existing and permitted pattern of development in the surrounding area;
- the location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the developer as amended by condition that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project - Landscape and visual impact assessment, Ecological appraisal and biodiversity management plan, Archaeology impact assessment, Flood risk assessment / drainage impact assessment, noise impact assessment, glint and glare assessment, Construction Environmental Management Plan, and Decommissioning Plan.

It is considered that the proposed development would not be likely to have significant direct, indirect or cumulative effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

## **10 Water Framework Directive**

10.1.1 A Water Framework directive report prepared by Malone O'Regan Environmental was submitted to the PA with the planning application. I have reviewed this report and determined that it is comprehensive in the assessment and its conclusion that the proposal will not compromise the objectives and requirements of the WFD, or

the ability of any waterbodies to meet the objectives of the WFD and transposing legislation.

10.1.2 An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to The Water Action Plan 2024: A River Basin Management Plan for Ireland.

10.1.3 The receiving water environment has been identified and assessed, see appendix 5 to this report. Having regard to the nature, scale, and location of the proposed development, and the mitigation measures incorporated into the design, proposed and conditioned to be implemented it is concluded that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.
- Any residual risks are capable of being addressed through the proposed mitigation measures, including implementation of a Construction Environmental Management Plan (CEMP).
- The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either on a temporary or permanent basis and consequently can be excluded from further assessment.

## **11 Recommendation**

I recommend that planning permission be granted for a reduced site area for the reasons and considerations set out below.

## 12 Reasons and Considerations

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the relevant provisions of the Climate Action Plan 2024 and Climate Action Plan 2025 and the Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, the National Adaptation Framework; Planning for a Climate Resilient Ireland June 2024 and the relevant sectoral adaptation plans in particular the Electricity and Gas Networks Climate Change Sectoral Adaptation Plan (2025) and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State), and otherwise had regard to:

- (a) The nature, scale and extent of the proposed development
- (b) the National Biodiversity Action Plan 2023-2030
- (c) National policy with regard to the development of alternative and indigenous energy sources and the minimisation of emissions from greenhouse gases, including Project Ireland 2040 National Planning Framework – First Revision (2025) with particular reference to NPO 30 which seeks to deliver energy projects whilst protecting the natural landscape, the National Development Plan 2021-2030, the National Development Plan Review 2025 and the National Energy & Climate Action Plan 2021-2030
- (d) the policies set out in the Regional Spatial and Economic Strategy of the Southern Regional Assembly including RPO 3.5 and RPO 3.7 which seeks to identify suitable sites that address landscape concerns,
- (e) the policies of the planning authority contained within the Wicklow County Development Plan, 2022-2028,
- (f) the character of the landscape of the site and the wider area,
- (g) the pattern of the existing and permitted development in the area,
- (h) The distance between the solar farm, surrounding dwellings and sensitive receptors,
- (i) The Natura Impact Statement,

- (j) Measures proposed for the construction, operation and decommissioning of the development,
- (k) The documentation submitted with the application and the appeal and the submissions and observations made in connection with the planning application,
- (l) The report of the Inspector.

### **Appropriate Assessment Stage 1**

An Coimisiún completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Planning Inspector's report and submissions on file. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the The Murrough SPA 004186 is the only European Site in respect of which the proposed development has the potential to have a significant effect in view of Conservation Objectives and that Stage 2 Appropriate Assessment is, therefore, required.

### **Appropriate Assessment Stage 2**

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an Appropriate Assessment of the implications of the proposed development for the European Site for which potential to have a significant effect had been identified, in view of the site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Commission considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential

effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives. In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the The Murrrough SPA 004186 in view of the Conservation Objectives.

### **EIA Screening Determination**

Having regard to –

- (a) The nature and scale of the proposed development, while not itself a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, includes a limited extent of field boundary removal (c. 50 linear metres), thereby coming within Class 1 (a) of Part 2 of Schedule 5 of the regulations and below the threshold set out in the class,
- (b) The location of the proposed development, in a rural area, the nature of the existing site and the pattern of existing and permitted development in the surrounding area;
- (c) The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as amended;
- (d) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- (e) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended, and;
- (f) The features and measures proposed by the applicant intended to avoid or prevent adverse effects on the environment, including measures identified in the submitted Environmental Report, Natura Impact Statement, and preliminary Construction and Environmental Management Plan, the Commission considers that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore, required

### **Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the conditions set out below, including condition no. 3 which limits the extent of the development of Parcels A and B to fields located entirely below the 100m contour line, the proposed development would not have an unacceptable impact on the character of the landscape, would not seriously injure the visual and residential amenities of the area, would be acceptable in terms of public health, and traffic safety, would not have undue impacts on surrounding land uses, would not have an unacceptable impact on ecology or on any European Site, and would make a positive contribution to Ireland's requirements for renewable energy in accordance with national, regional and local policy. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **13 Conditions**

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

**Reason:** In the interest or clarity.

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

**Reason:** Having regard to the nature of the development, An Coimisiún consider it appropriate to specify a period of validity of this permission in excess of five years.

3. Prior to commencement the applicant shall submit to the Planning Authority a revised site layout plan for written agreement with the Planning Authority which shall clearly demonstrate the follow revisions:

- Removal of all panel arrays and associated infrastructure in each field, any part of which extends above the 100m contour line as set out on submitted site layout drawing ref: W25048-XX-XXX-DR-MOR-CE-1009.
- All biodiversity enhancement measures including of fencing of all proposed buffers including in areas where panels are to be removed for compliance with this condition.

- The location of any revisions to the proposal including foundations for arrays arising from the results of the archaeological impact assessment.

**Reason:** In the interests of clarity, protection of landscape character, biodiversity enhancement, protection of residential amenity and protection of objects of archaeological interest.

4. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented in full.

**Reason:** To protect the integrity of European Sites.

5. All of the environmental, construction and ecological mitigation and enhancement measures, as set out in the Environmental Report, Construction and Environmental Management Plan, Biodiversity Management Plan and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

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

6. The applicant shall submit a post installation Glint and Glare model validation/verification report which shall confirm to the Planning Authority that identified risks are adequately mitigated or shall propose further mitigation measures. This reporting shall include a register of all relevant complaints. The applicant shall comply with any future requirement of the planning authority in relation to additional works to mitigate glint and glare issues arising post installation.

**Reason:** In the interest of Traffic Safety, orderly development and protection of residential amenity.

7. The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) following consultation with the National Monument Service (NMS) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping and/or construction works. The AIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, and the geophysical survey of the development site. Test trenches will be excavated at locations

chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the geophysical survey results and the site drawings. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement with appropriate imagery and illustrations and mitigation strategy, to be submitted for evaluation and written approval to the Department of Housing Local Government and Heritage and for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the Local Authority, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

8. 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.

9. Operational Lifetime and Decommissioning:

(a) The permission shall be for a period of 40 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

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

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

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

10. The solar panels shall be fixed in place by way of driven pile or screw pile foundations only, unless otherwise agreed with the Planning Authority including in areas identified in the Archaeological Impact Assessment.

**Reason:** In the interest of the long term viability of this agricultural land, and in order to minimise impacts on drainage patterns

11. Before construction commences on site, details of the structure of the security fence showing provision for the movement of mammals at regular intervals shall be submitted for prior approval to the planning authority.

**Reason:** To allow wildlife to continue to have access across the site and in the interest of biodiversity protection.

## 12. Cables and Lighting

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

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

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

(d) The transformers/ inverters shall be dark green in colour.

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

13. The construction of the development shall be managed in accordance with a finalised 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 intended construction practice for the development, including:

- a) fencing of proposed buffer zones to exclude all construction machinery other than that required for works licenced by OPW or agreed in writing prior to commencement with NPWS and/or the Planning Authority as appropriate
- b) location of the site and materials compound(s);
- c) location of areas for construction site offices and staff facilities;
- d) details of site security fencing and hoardings;
- e) details of on-site car parking facilities for site workers during the course of construction;
- f) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- g) measures to obviate queuing of construction traffic on the adjoining road network;
- h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater;
- k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) details of on-site re-fuelling arrangements, including use of drip trays;
- m) details of how it is proposed to manage excavated soil;
- n) details and methodology for cover vegetation establishment in fields under tillage prior to development in accordance with the biodiversity management plan
- o) details of revised hedgerow and riparian planting confining species to those indigenous to the area.
- p) details of vegetation control alternatives to chemical herbicides proposed
- q) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.
- r) Hours of construction.

The finalised Construction and Environmental Management Plan shall also take account of the mitigation measures outlined within the NIS.

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

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

#### 14. Noise

(a) Construction activity shall be managed in accordance with a construction noise and vibration management plan, which shall be agreed in writing with the planning authority prior to the commencement of development. This plan should be subject to periodic review and shall specify the construction practice, including measures for the suppression and mitigation of on-site noise and vibration.

(b) The plan shall be developed having regard to, and all construction activity shall be undertaken in accordance with, best practise guidelines, including BS 5228-1:2009+A1:2014, parts 1 & 2.

(c) The mitigation measures described in the Noise Assessment Report and the Traffic and Transport Assessment and shall be implemented in full.

(d) Prior to the commencement of development, a plan for the phased development of the site shall be submitted to and agreed in writing with the planning authority which shall seek to maximise separation from site boundaries at commencement of works and move progressively across the site.

**Reason:** In order to protect the amenities of the area.

#### 15. Protection of Roads/Road Condition Survey.

All road surfaces, culverts, watercourses, verges, and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority at the developer's expense. Prior to commencement of development, a road condition survey shall be carried out to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of Traffic Safety, orderly development and protection of public infrastructure.

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

**Reason:** To ensure satisfactory reinstatement of the site.

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

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

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

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Hugh O'Neill  
Planning Inspector

XX XXXXXXXX 20XX

## Appendix 1 EIA Pre-Screening

<b>Case Reference</b>	PL-500687-WW-26
<b>Proposed Development Summary</b>	RED III Category 3 Development-Construction of a solar PV energy development with an operational life of 40 years on three land parcels
<b>Development Address</b>	Townlands of Kilcandra,, Kilnamanagh Beg, Ballynagran, and Ballinaclogh, Glenealy, Co. Wicklow, A67FW96
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	

<p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. <b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>The development of a solar farm is not a specified class of development in Part 1 or Part 2 of Schedule 5 of the Regulations.</p> <p>Class 1 of Part 2 of Schedule 5, (a) Projects for the restructuring of rural land holdings, 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.</p> <p>The proposed development would include the removal of c 50 linear metres of hedgerow to facilitate access between fields, which is significantly below the 4km threshold and does not relate to the enlargement of fields. Re-contouring is not proposed as a part of the development.</p> <p>It is considered that the development does come within the scope of this class on the basis that it involves the removal of field boundary hedgerows but that it is subthreshold</p> <p>Class 10 of Part 2 of Schedule 5: Infrastructure Projects: (dd) All private roads which would exceed 2000m in length.</p> <p>I note the High Court Judgement in the Cummins &amp; Ors v ACP [2025] IEHC 521 case and the Commission's decisions in previous solar farm whereby access tracks in</p>

	<p>respect of solar developments are not considered to fall under Class 10.</p> <p>It is considered that schedule 5, Part 2, Class 10: Infrastructure projects (dd) is not applicable in this instance.</p>
<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input checked="" type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input type="checkbox"/></p>	

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2 EIA Screening Determination

### Form 3 -

<b>A. CASE DETAILS</b>			
<b>An Coimisiún Pleanála Case Reference</b>	PL-500687-WW-26		
<b>Development Summary</b>	RED III Category 3 Development-Construction of a solar PV energy development with an operational life of 40 years on three land parcels		
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>	
<b>1. Was a Screening Determination carried out by the PA?</b>	Y	PA Planning report contains an assessment and determination that EIA is not required	
<b>2. Has Schedule 7A information been submitted?</b>	Y	ER contains Schedule 7A info.	
<b>3. Has an AA screening report or NIS been submitted?</b>	Y	NIS submitted which concludes that the proposed development, alone or in-combination, with any other plan or project, will not adversely affect the integrity of any of the European Sites concerned	
<b>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b>	N		
<b>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>	Y	NIS, Flood assessment, WFD assessment. Strategic Environmental Assessment and Appropriate Assessment were undertaken in respect of the Wicklow County Development Plan, 2022-2028.	
<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity,</b>	<b>Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain</b>

		and reversibility of impact) <b>Mitigation measures –</b> Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	
<b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b>			
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	Y	It is considered that the magnitude of hedgerow to be removed (c.50 linear metres) is insignificant given the remaining linear features present in the surrounding environment.	No.
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Y	It is considered that the magnitude of hedgerow to be removed (c.50 linear metres) is insignificant given the remaining linear features present in the surrounding environment.	No
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	The project will use standard construction methods, materials and equipment, and the process will be managed through the implementation of a CEMP (Construction and Environmental Management Plan). The loss of natural resources (c. 50 linear meters of hedgerow) is not regarded as significant in nature.	No
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to	Y	Activities to remove the hedgerow will require the use of potentially harmful materials, such as fuels and other such substances to power	N

<p>human health or the environment?</p>		<p>necessary machinery. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the submitted Construction and Environmental Management Plan would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	
<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Y</p>	<p>Construction phase waste from the removal of hedgerow is not expected to result in significant volumes of waste, what will be generated will be typical of standard construction methods proposed and are mitigated by way of standard procedures.</p>	<p>N</p>
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Y</p>	<p>Risks of contamination to ground or water bodies as result of removal of hedgerow are mitigated and managed, by standard construction methodologies for projects of this nature including control of hazardous substances and buffers. I do not consider this aspect of the project would be likely to result in a significant effect on the environment.</p>	<p>N</p>

<p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Y</p>	<p>Noise and vibration impacts are anticipated during hedgerow removal. However, these are temporary in nature and there would be temporary, localised, and be managed through implementation of the CEMP</p>	<p>N</p>
<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Y</p>	<p>During construction any material or substance which could cause pollution, including fuels or silty water will be prevented from entering groundwater, surface water drains or watercourses by the measures set out in the CEMP. No significant operational impacts are anticipated.</p>	<p>N</p>
<p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>N</p>	<p>No significant risk is predicted having regard to the nature and scale of the development.</p>	<p>N</p>
<p><b>1.10</b> Will the project affect the social environment (population, employment)</p>	<p>N</p>	<p>No potentially significant effect identified</p>	<p>N</p>
<p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>Y</p>	<p>The proposal for removal of c. 50m of hedgerow is part of a wider development of a Solar farm. There are other solar farms permitted and existing in the wider area. However, these are also not a class of development for the purposes of EIA. I am satisfied that sufficient separation exists between the different proposed solar farm developments in the area, as well as</p>	<p>N</p>

		intervening topography and vegetation, such that significant cumulative impacts would not occur.	
<b>2. Location of proposed development</b>			
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>• European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>• NHA/ pNHA</li> <li>• Designated Nature Reserve</li> <li>• Designated refuge for flora or fauna</li> <li>• Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	Y	<p>The project is not located on or in any designated or proposed NHA, or any other listed area of ecological interest or protection.</p> <p>The application is accompanied by an NIS and appropriate assessment was undertaken above (see relevant appendices to this report).</p> <p>Taking account of the various mitigation measures set out in the Environmental Report and the pCEMP the removal of c. 50m of hedgerow does not have potential to impact on any European site, NHA/ pNHA, Nature Reserve refuge for flora or fauna, Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan.</p>	N
<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or</p>	Y	<p>Badger Setts and Yellowhammer identified in survey. Mitigation by way of buffers to Setts, raised perimeter fencing for mammals and compensatory habitat</p>	N

migration, be affected by the project?		creation for Yellow hammer to mitigate loss of tillage use. With mitigation, and enhancement, as set out in the biodiversity management plan, as well as the restrictions on the time of year in which hedgerow removal can occur, I am satisfied that no significant effects on any species are likely to arise.	
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Y	Potential for landscape impacts addressed by way of mitigation by design. Exclusion of more sensitive areas by condition and by way of screening. Potential for archaeological impacts has been addressed by proposed and conditioned pre-construction testing with oversight by competent authorities.	N
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	N	Resources on /around the subject site of are generally a typical nature. Landscape quality of concern but impact mitigated.	N
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	N	Detailed mitigation measures are set out for protection of water resources including extensive buffers. The proposal does not impact on water resources or flood risk. Also see WFD assessment in Appendix 5.	N

<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	N	There is no evidence of any risk of subsidence, landslides or erosion.	N
<b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	N	M11 in proximity, but no impacts from the proposal anticipated.	N
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	N	No such uses have been identified in the immediate area which could be affected.	N
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	N	Cumulative effects of hedgerow removal arising from construction and operation of the proposed solar farm as well as permitted solar farm ref: 161380 and the future 110kV substation have been considered and discounted as the magnitude of the cumulative impact of hedgerow removal to create access to individual fields relative to the existing and future abundance of hedgerow would not give rise to cumulative impacts.	N
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	N	None identified.	N
<b>3.3</b> Are there any other relevant considerations?	N	None identified.	N
<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	X	<b>EIAR Not Required</b>	
<b>D. MAIN REASONS AND CONSIDERATIONS</b>			

***EG - EIAR not Required***

Having regard to: -

- a) The nature and scale of the proposed development, while not itself a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, includes a limited extent of field boundary removal (c50 linear metres), thereby coming within Class 1 (a) of Part 2 of Schedule 5 of the regulations and below the threshold set out in the class,
- b) The location and design of the development, the absence of any significant environmental sensitivity in the vicinity, in a rural area, which is not designated as an Area of High Amenity or Area of Natural Beauty in the Wicklow County Development Plan 2022-2028, the nature of the existing site and the pattern of existing and permitted development in the surrounding area;
- c) The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as amended;
- d) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- e) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended, and;
- f) The features and measures proposed by the applicant intended to avoid or prevent adverse effects on the environment, including measures identified in the submitted Natura Impact Statement, Flood Risk Assessment and the Outline Construction and Environmental Management Plan (CEMP)

An Coimisiún considers that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore, required

Inspector \_\_\_\_\_  
Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_  
Date \_\_\_\_\_

## Appendix 3 Appropriate Assessment Screening Determination

<b>Screening for Appropriate Assessment Test for likely significant effects</b>	
<b>Case Reference Number:</b> PL-500687-WW-26	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	RED III Category 3 Development-Construction of a solar PV energy development with an operational life of 40 years on three land parcels
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>See section 1 of report for full description.</p> <p>The application area extends to 203ha located to the west of the M11 southwest of Wicklow town on lands rising into and part of the foothills of the Wicklow mountains ranging from points between the 54 and 154m AOD.</p> <p>The proposal includes the removal of circa 50m of hedgerow and 2 no. new crossings of water bodies.</p> <p>It is proposed that the solar arrays will be fixed by way of ground driven piles.</p> <p>Buffers are proposed to all water bodies including field drains, hedgerows and to badger setts which were identified as part of the ecological surveys. An area of vegetation management for Yellow hammer is proposed to address the removal of tillage generally.</p>
<b>Screening report</b>	Y
<b>Natura Impact Statement</b>	Y
<b>Relevant submissions</b>	<p>Submission express general concerns regarding impacts on</p> <ul style="list-style-type: none"> <li>• Deputy's pass SAC</li> </ul>

	<ul style="list-style-type: none"> <li>• Red squirrels, bats and pine martens</li> <li>• Creation of barriers to connectivity</li> </ul>
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**Step 2. Identification of relevant European sites using the Source-pathway-receptor model**

The approach in the submitted screening commenced with a 15km radius for identification of a zone of influence of the development and applied the Source Pathway Receptor model to identify 7 SAC;s and 3 SPA's.

<b>European Site (code)</b>	<b>Qualifying interests Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections</b>	<b>Consider further in screening Y/N</b>
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**Special Areas of Conservation ('SAC')**

Deputy's Pass Nature Reserve SAC 000717	<a href="#">CO's</a> To maintain the favourable conservation condition of 91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles	1.3km	Potential upstream (c. 2.5km) Hydrological Connection	No
The Murrough Wetlands SAC 002249	<a href="#">CO's</a> To restore the favourable condition conservation of Annual vegetation of drift lines  To restore the favourable conservation condition of Perennial	4.1km	None	No

	<p>vegetation of stony banks</p> <p>To restore the favourable conservation condition of Atlantic salt meadows</p> <p>To restore the favourable conservation condition of Mediterranean salt meadows</p> <p>To restore the favourable conservation condition of Calcareous fens</p> <p>To restore the favourable conservation condition of Alkaline fens</p>			
Vale of Clara (Rathdrum Wood) SAC 000733	<p><a href="#">CO's</a></p> <p>To restore the favourable conservation condition of Old sessile oak woods</p>	<b>5.4km</b>	<b>None</b>	<b>No</b>
Magherabeg Dunes SAC 001766	<p><a href="#">CO's</a></p> <p>To maintain the favourable conservation condition of Annual vegetation of drift lines</p> <p>To maintain the favourable conservation condition of Embryonic shifting dunes</p> <p>To maintain the favourable</p>	<b>5.8km</b>	Potential Hydrological Connection	<b>Yes, Potential water quality impairment</b>

	<p>conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>To restore the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>To maintain the favourable conservation condition of Atlantic decalcified fixed dunes</p> <p>To restore the favourable conservation condition of Petrifying springs with tufa formation</p>			
Wicklow Reef SAC 002274	<p><a href="#"><u>CO's</u></a></p> <p>To maintain the favourable conservation condition of Reefs</p>	7.2km	None	No
Buckroney-Brittas Dunes and Fen SAC 000729	<p><a href="#"><u>CO's</u></a></p> <p>To maintain the favourable conservation condition of Annual vegetation of drift lines</p> <p>To restore the favourable conservation condition of Perennial</p>	7.5km	Potential Hydrological Connection	Yes, potential water quality impairment

	<p>vegetation of stony banks</p> <p>To maintain the favourable conservation condition of Mediterranean salt meadows</p> <p>To restore the favourable conservation condition of Mediterranean salt meadows</p> <p>To restore the favourable conservation condition of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>To maintain the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>To restore the favourable conservation condition of Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>)</p> <p>To maintain the favourable conservation condition of Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>)</p> <p>To restore the favourable</p>			
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	<p>conservation condition of Humid dune slacks</p> <p>To maintain the favourable conservation condition of Alkaline fens</p>			
<p>Wicklow Mountains SAC 002122</p>	<p><a href="#">CO's</a></p> <p>To maintain the favourable conservation condition of Oligotrophic waters containing very few minerals of sandy plains</p> <p>To maintain the favourable conservation condition of Natural dystrophic lakes and ponds</p> <p>To restore the favourable conservation condition of Northern Atlantic wet heaths with Erica tetralix</p> <p>To restore the favourable conservation condition of European dry heaths</p> <p>To restore the favourable conservation condition of Alpine and Boreal heaths</p> <p>To maintain the favourable conservation condition of Calaminarian</p>	<p>11.1km</p>	<p>None</p>	<p>No</p>

	<p>grasslands of the Violetalia calaminariae</p> <p>To restore the favourable conservation condition of Species-rich Nardus grasslands, on siliceous substrates in mountain areas</p> <p>To restore the favourable conservation condition of Blanket bogs</p> <p>To restore the favourable conservation condition of Siliceous scree of the montane to snow levels</p> <p>To restore the favourable conservation condition of Calcareous rocky slopes with chasmophytic vegetation</p> <p>To restore the favourable conservation condition of Siliceous rocky slopes with chasmophytic vegetation</p> <p>To restore the favourable conservation condition of Old sessile oak woods</p> <p>To maintain the favourable</p>			
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	conservation condition of Otter			
<b>Special Protected Areas ('SPA')</b>				
The Murrough SPA 004186	<u>CO's</u> Red-throated Diver Greylag Goose Light-bellied Brent Goose Wigeon Teal Black-headed Gull Herring Gull Little Tern Wetlands	<b>4.6km</b>	migratory bird species may travel inland for foraging and roosting purposes	<b>Yes,</b> potential disturbance and water quality impairment effects on the designated species that may utilise the wider watercourse network
Wicklow Head SPA 004127	<u>CO's</u> restore the Favourable conservation condition of Kittiwake	<b>5.1km</b>	<b>None</b>	<b>No</b>
Wicklow Mountains SPA 004040	<u>CO's</u> maintain the Favourable conservation condition of Merlin maintain the Favourable conservation condition of Peregrine	<b>12.4km</b>	<b>None</b>	<b>No</b>
<b>Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites</b>				
<b>AA Screening matrix</b>				
<b>Site name Qualifying interests</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>			

Magherabeg Dunes SAC 001766	<b>Impacts</b>	<b>Effects</b>
Annual vegetation of drift lines	Weak hydrologic connection. Any potential pollutants will either be diluted by the number of tributaries draining into the Three Mile Water River or, in the case of sediment, will settle out of the river network prior to reaching this habitat. Therefore no impacts have been identified.	<b>None</b>
Embryonic shifting dunes		
Shifting dunes along the shoreline with Ammophila arenaria (white dunes)		
Fixed coastal dunes with herbaceous vegetation (grey dunes)		
Atlantic decalcified fixed dunes		
Petrifying springs with tufa formation		
	<b>Likelihood of significant effects from proposed development (alone):</b> <b>N</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
Buckroney- Brittas Dunes and Fen SAC 000729	<b>Impacts</b>	<b>Effects</b>
Annual vegetation of drift lines	Weak hydrologic connection. Any potential pollutants will	<b>None</b>

Perennial vegetation of stony banks	either be diluted by the number of tributaries draining into the watercourse or, in the case of sediment, will settle out of the river network prior to reaching this habitat. Therefore no impacts have been identified.
Mediterranean salt meadows	
Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	
Fixed coastal dunes with herbaceous vegetation (grey dunes)	
Atlantic decalcified fixed dunes ( <i>Calluno-Ulicetea</i> )	
Dunes with <i>Salix repens</i> ssp. <i>argentea</i> ( <i>Salicion arenariae</i> )	
Humid dune slacks	
Alkaline fens	
	<b>Likelihood of significant effects from proposed development (alone):</b>
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects?</b>

<b>Site name Qualifying interests</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
The Murrough SPA 004186	<b>Impacts</b>	<b>Effects</b>
Maintain the Favourable conservation condition of Red- throated Diver	Species strictly coastal, no direct hydrological connection between the Site and the SPA.  Site not considered to be of importance for this species	<b>None</b>
Maintain the Favourable conservation condition of Little Tern		
Restore the Favourable conservation condition of Greylag Goose	Potential that these species may, on occasion, utilise the upstream water network for commuting and foraging purposes.	Potential for Disturbance of these species during the Construction and Decommissioning Phases.
Maintain the Favourable conservation condition of Wigeon		
Maintain the Favourable conservation condition of Teal		
Maintain the Favourable conservation condition of Black-headed Gull		
Maintain the Favourable conservation condition of Herring Gull		
Maintain the Favourable conservation	No hydrological or other connection.	<b>None</b>

condition of Wetland habitats		
Restore the Favourable conservation condition of Light-bellied Brent Goose	<p>The improved agricultural grassland, could, in principle, provide potential inland foraging habitat for this species.</p> <p>However, this species is reported as not having been recorded on-site or within 2 km of the Site. Light-bellied Brent Geese are known to exhibit a high degree of site fidelity to their favoured inland foraging areas.</p> <p>It was considered unlikely that this species will experience any potential disturbance effects. Therefore, this species has been screened out from further consideration</p>	<b>None</b>
	<b>Likelihood of significant effects from proposed development (alone): Yes</b>	
<b>Step 4: Conclude if the proposed development could result in likely significant effects on a European site</b>		
<p>It is not possible to exclude the possibility that proposed development alone would result significant effects on The Murrough SPA 004186 from effects associated with ex-situ disturbance of QI species .</p> <p>An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.</p>		
<p><b>Screening Determination</b></p> <p><b>Significant effects cannot be excluded</b></p> <p>In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on The Murrough SPA 004186 in view of the sites conservation objectives. Appropriate Assessment is required.</p>		

## Appendix 4 Appropriate Assessment

### Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of RED III Category 3 Development-Construction of a solar PV energy development with an operational life of 40 years on three land parcels in the townlands of Kilcandra, Kilnamanagh Beg, Ballynagran, and Ballinaclogh, Glenealy, Co. Wicklow in view of the relevant conservation objectives of Murrough SPA 004186 based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement
- Environmental Report
- Biodiversity Management Plan
- Water Framework Directive assessment report
- Flood Risk Assessment
- Construction and Environmental Management Plan
- Noise Impact Assessment

I am satisfied that the information provided is adequate to allow for Appropriate Assessment.

I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

### Submissions/observations

Submissions to the application set out general concerns regarding impacts on:

- Deputy's pass SAC
- Red squirrels, bats and pine martens

- Creation of barriers to connectivity

No submissions made reference to specific concerns relating to qualifying interests, conservation objectives or deficiency in the submitted NIS or PA determination.

The Murrrough SPA 004186

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

- i. **Water quality degradation (construction and operation)**
- ii. **Disturbance of mobile species**

See section 7 of the submitted NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary) NIS SECTION
Greylag Goose	<b>Restore</b> the Favourable conservation condition	Potential disturbance to mobile designated species during construction Potential impairment of water quality during the Construction Phase.	Section 7.1.1.1 of the NIS refers. Given the availability of suitable habitats within the wider area, it can be concluded that should these species be temporarily disrupted, they will move to a suitable area elsewhere which are abundant in the immediate and wider vicinity of the proposal. Low noise-rated plant and equipment will be used where possible and response procedure within the CEMP to noise complaints during construction and decommissioning phases. Section 7.1.1.2 of NIS refers.
Wigeon	<b>Maintain</b> the Favourable conservation condition		
Teal	<b>Maintain</b> the Favourable conservation condition		
Black-headed Gull	<b>Maintain</b> the Favourable conservation condition		
Herring Gull	<b>Maintain</b> the Favourable conservation condition		

			Buffers are provided in the design from all waterbodies. Best practice guidelines to be followed as described in the application including the pCEMP.
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The above table is based on the documentation and information provided on the file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests. In particular, I note those relating to disturbance of mobile species and impairment of the water environment.

**Assessment of issues that could give rise to adverse effects view of conservation objectives**

**(i) Water quality degradation**

It has been determined that the potential for certain QI species of the Murrough SPA to travel inland to forage and/or commute utilising the water courses in the area of the subject development cannot be ruled out. In the event that such a foraging or commuting activity coincided with a water pollution event arising from the proposed development the potential for this scenario to effect these QI species during construction phase cannot be excluded in the absence of mitigation.

**Mitigation measures and conditions**

A comprehensive schedule of buffer zones from each class of waterbody has been provided in the design of the proposal which will protect water bodies and associated habitats and species including mobile species from negative effects.

The 2 no. water crossings proposed (both single span bridge crossings) are designed to mitigate potential for impacts on water quality.

In addition to the mitigation by design in the provision of buffer zones, and single span crossings, best practice measures are set out in the pCEMP which on implementation will furthered mitigate potential negative water quality impacts arising from construction activities.

**(ii) Disturbance of mobile species**

It has been determined that the potential for certain QI species of the Murrough SPA to travel inland to forage and/or commute in the area of the subject development cannot be ruled out. In the event that such a foraging or commuting activity coincided with a construction noise event or events arising from the construction of the proposed development it could result in disturbance and/or displacement of those species. Notwithstanding the abundance of the habitat type in the

<p>area to which the QI's would relocate, the potential for this scenario to effect these QI species during construction phase cannot be excluded in the absence of mitigation.</p> <p><b>Mitigation measures and conditions</b></p> <p>A noise impacts assessment has been prepared for the construction and operational phase of the proposal development. Low noise-rated plant and equipment will be used where possible and the response procedure within the CEMP to noise complaints during construction and decommissioning phases. Section 7.1.1.2 of NIS refers.</p>	
<p><b>In-combination effects</b></p> <p>I am satisfied that in-combination effects has been assessed adequately in the NIS including consideration of the adjacent permitted Solar Farm and the future provision of a 110kV substation and the connection thereto. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.</p>	
<p><b>Findings and conclusions</b></p> <p>The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, and therefore in combination with other plans and projects, will not adversely affect the integrity of this European site.</p> <p>Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent impacts on water quality and disturbance of mobile species by noise. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.</p> <p><b>Reasonable scientific doubt</b></p> <p>I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.</p> <p><b>Site Integrity</b></p> <p>The proposed development will not affect the attainment of the Conservation objectives of the The Murrough SPA 004186. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.</p> <p><b>Appropriate Assessment Conclusion: Integrity Test</b></p>	

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on The Murrough SPA 004186 in view of the conservation objectives of that site and that Appropriate Assessment under the provisions of S177V was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations of the Department of Housing, Local Government and Heritage, I consider that adverse effects on site integrity of the The Murrough SPA 004186 can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Mobile species Qualifying interests of The Murrough SPA 004186.
- the proposed development will not affect the attainment of conservation objectives for The Murrough SPA 004186 or prevent or delay the restoration of favourable conservation condition for the qualifying interests thereof.
- Effectiveness of mitigation measures proposed and adoption of pCEMP/ schedule of commitments as set out in section 12, Volume 1 of the Environmental report submitted as part of the application to the planning authority.
- Application of planning conditions to ensure implementation of mitigation measures.

## Appendix 5 Water Framework Directive

WFD IMPACT ASSESSMENT SCOPING TABLE			
Step 1: Nature of the Project, the Site and Locality			
<b>An Coimisiún Pleanála ref. no.</b>	PL-500687-WW-26	<b>Townland, address</b>	Kilcandra, Kilnamanagh Beg, Ballynagran and Ballinaclogh, Co. Wicklow
<b>Description of project</b>		<p>Full description at section 2 of this report.</p> <p>Solar Farm with buffers to all water courses including drainage ditches. 2 water course single span precast concrete crossings proposed.</p> <p>No abstraction. Surface water discharges from the proposal will result in reduced agricultural run off.</p> <p>Water Framework directive assessment report submitted with the application.</p>	
<b>Brief site description, relevant to WFD Screening.</b>		<p>Elevations ranging from c. 54m to 154m AOD, primarily in 2 river valleys. Dispersed one off residential uses in the area. Tillage and pasture current primary agricultural uses.</p> <p>There are a number of farmyards within the wider development area.</p>	
<b>Proposed surface water details</b>		<p>No significant change.</p> <p>New hard surfacing at 3 no. upgraded entrances to drain to soakaways.</p> <p>Construction compounds to be generally permeable surfaces other than where protection required at bunds etc.</p>	

	Development buffers proposed to all water bodies (25m) including drainage ditches (5m) all stockpiling min 50m from water features.
<b>Proposed water supply source &amp; available capacity</b>	None proposed
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	None proposed
<b>Others?</b>	None

<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>							
<b>Identified water body</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g. at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) (Consider all phases)</b>	<b>Mitigation Measures proposed</b>	<b>Is mitigation sufficient? Will there be any residual impacts?</b>
River	Three Mile Water_010	Good	not at risk		Construction phase, run off from limited excavations	Buffers from all water courses. Water crossing in precast single span.	No residual impacts anticipated.
	Three Mile Water_020	Good	under review	None	Hydrocarbon/chemical spills	Best practice for hydrocarbon and silt control.	
	Potter's_010	Moderate	at risk	Agriculture and Forestry			
Groundwater	Wicklow Groundwater Body	Good	at risk	Agriculture and Anthropogenic			