

An
Bord
Pleanála

Board Order ABP-319704-24

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: 23/60185

Appeal by Tomás Loughlin care of Armstrong Planning Limited of 12 Clarinda Park North, Dun Laoghaire, County Dublin against the decision made on the 16th day of April, 2024 by Wicklow County Council to grant subject to conditions a permission to Johnstown North Solar Limited care of Neo Environmental Limited of 83-85 Bridge Street, Ballymena, County Antrim, Northern Ireland in accordance with plans and particulars lodged with the said Council.

Proposed Development: To amend the design of the approved development (planning register reference number 17/1497) which comprises a Solar PV energy development. Proposed amendments include (1) change in location and size of substation, (2) two additional temporary construction compounds will be located at both the consented site entrance (planning register reference number 17/1497 and the newly proposed site entrance as per planning register reference number 23/60185, (3) the number of modules will decrease, (4) the number of pile driven poles will decrease, (5) the size and number of transformer stations will increase, (6) the total fencing area will increase, (7) the total amount of fencing posts will increase, (8) up to 21 CCTV cameras will be installed, (9) access tracks will be optimised and increased in width, and (10) access track length will increase and (11) increase in

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operational lifetime from 25 years to 35 years; all on lands within the townland of Johnstown North, County Wicklow as amended by the revised public notice received by the planning authority on the 17th day of January, 2024.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to:

- (a) the national and regional policy objectives in relation to renewable energy,
- (b) the provisions of the Wicklow County Development Plan 2022–2028,
- (c) the nature, scale, extent and layout of the proposed development,
- (d) the documentation submitted with the application and appeal, including the Planning and Environmental Statement, Decommissioning Statement, Glint and Glare Assessment, Noise Impact Assessment, Construction Traffic Management Plan, Ecological Walkover Survey, Outline Construction Environmental Management Plan, Landscape Visual Appraisal, and the Natura Impact Statement,
- (e) the mitigation measures proposed for the construction, operation and decommissioning of the proposed development,
- (f) the topography of the area,

- (g) the existing hedging and screening on the site, and
- (h) the planning history and pattern of development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with national and regional renewable energy policy objectives, would not conflict with the provisions of the Wicklow County Development Plan, 2022–2028, would not seriously injure the amenities of property in the vicinity, would not be likely to have significant effects on the landscape character, the environment or the ecology of the area, would be acceptable in terms of traffic safety and convenience, and would make a positive contribution to Ireland's renewable energy requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening:

The Board 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 Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development has the potential to have a significant effect on European Site, Buckronev-Brittis Dunes and Fen Special Area of Conservation (site code: 000729) in view of the site's conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is, therefore, required.

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Appropriate Assessment

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for Buckronev Brittas Dunes and Fen Special Area of Conservation (site code: 000729) in view of the site's Conservation Objectives.

The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's conservation objectives using the best available scientific knowledge in the field.

Following an appropriate assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Buckronev Brittas Dunes and Fen Special Area of Conservation (site code: 000729), or any other European site in view of the site's conservation objectives.

The conclusion is based on:

- (a) a full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the Buckronev Brittas Dunes and Fen Special Area of Conservation (site code: 000729),
- (b) detailed assessment of the in-combination effects with other plans and projects including historical projects, current proposals and future plans, and
- (c) no reasonable scientific doubt as to the absence of adverse effects on the integrity of Buckronev Brittas Dunes and Fen Special Area of Conservation (site code: 000729).

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Site, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European site in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 21st day of December, 2023 and the 25th day of March 2024, and as submitted to An Bord Pleanála on the 10th day of June 2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of the development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted under planning register reference number 17/1497, An Bord Pleanála reference number ABP-301726-18 and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

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 - (a) The permission shall be for a period of 35 years from the date of first commissioning of the solar array. All structures including the solar array and related ancillary structures shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.
 - (b) Prior to the commencement of development, a detailed site restoration plan providing for the removal of the solar arrays and all ancillary structures and a timescale for its implementation shall be submitted to, and agreed in writing with, the planning authority.
 - (c) On full or partial decommissioning, or if the solar farm ceases operation for a period of more than one year, the solar farm, the solar arrays and all ancillary structures shall be dismantled and removed permanently from the site. The site shall be restored in accordance with the agreed Site Restoration Plan and all decommissioned structures shall be removed from the site 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 landscape restoration upon cessation of the project.

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. Trees to be removed on site shall be felled in late summer or autumn. Any disturbance to bats, badger setts and birds shall be in a manner to be agreed in writing with the planning authority on the advice of a suitably qualified ecologist and based on pre-construction bat, bird and badger surveys.

Reason: In the interest of nature conservation.

6. Prior to the commencement of development, revised proposals for the eastern (substation) entrance, incorporating the provision of 'grass crete' or similar material and planting of boundaries between existing hedgerow and proposed security fence shall be submitted to, and agreed in writing with, the planning authority.

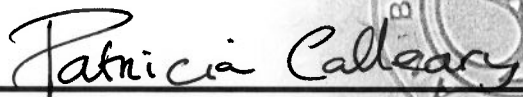

Reason. In the interest of visual amenity.

7. 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

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the terms of the scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the scheme.

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

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 28 day of February 2025