DCDP 68

## Sheila Healy

**From:** Danielle O'Leary <danielle.oleary@ftco.ie>
**Sent:** Monday 18 January 2021 10:57
**To:** cdp
**Cc:** [redacted]
**Subject:** Re: Submission to the Draft Longford Development Plan 2021-2027 on behalf of Harmony Solar Ireland Limited_18012021
**Attachments:** Submission on Draft Longford County Development Plan 2021-2027 on behalf of Harmony Solar Ireland Limited_18012021.pdf

**Categories:** Red Category

Dear Sir/Madam,

Good Morning.

Please find attached a submission on the Draft Longford Development Plan 2021-2027, prepared by Fehily Timoney and Company on behalf of our clients Harmony Solar Ireland Limited.

We welcome the opportunity to contribute to the preparation of the Longford Development Plan 2021-2027 and respectfully request that Longford County Council have full regard to this submission and the recommendations stated throughout in finalising the Longford Development Plan 2021-2027.

We would greatly appreciate if you could acknowledge receipt of this submission.

We look forward to the publication of the forthcoming development plan in due course.

FEHILY TIMONEY

Danielle O'Leary
Planner

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[redacted]

FEHILY TIMONEY

Administrative Officer
Review of County Development Plan
Forward Planning Department
Aras An Chontae
Great Water Street
Longford
N39 NH56

15 January 2021

**Re: Draft Longford County Development Plan 2021-2027 - Submission prepared on behalf of Harmony Solar Ireland Limited in respect of the Draft Longford County Development Plan 2021-2027**

A Chara,

Fehily Timoney has been retained by Harmony Solar Ireland Limited, of Ballyseskin House, Kilmore, Co. Wexford to make a submission on the draft Longford Development Plan (2021-2027), which focuses on the contents of *Chapter 5: Transport, Infrastructure, Energy and Communications* and *Chapter 16: Development Management Standards,* more specifically *Sections 5.3: Renewable Energy and 16.4.17 Renewable Energy Developments*. Harmony Solar welcomes the opportunity to make a submission on the second stage of the development plan process for drafting the Longford County Development Plan 2021-2027.

Harmony Solar are a Wexford based developer and provider of renewable solar energy solutions. As a company Harmony Solar operate nationally with specific focus on the Eastern and Midland Region of Ireland. Harmony Solar have a strong commitment to building a responsible and sustainable solar energy industry, being active members of the Irish Solar Energy Association (ISEA) and having contributed to the publication of the Planning Guidelines by ISEA.

As a company, Harmony Solar has been successful in achieving planning permission for a utility scale solar farm in proximity to the village of Kilashee Co. Longford (Planning Reg. Ref. 18135) and hope to continue to deliver projects of a similar nature over the lifetime of the forthcoming Development Plan, with plans for additional renewable energy solar development in Longford being advanced.

Cont'd...

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Harmony solar strongly believes in engagement and partnerships with both local authorities and communities and hopes that the upcoming Longford County Development Plan 2021-2027 will encourage community involvement as part of the renewable energy policy objectives for the county as a whole. Planning plays a fundamental role in helping shape places to secure radical reductions in greenhouse gas emissions, providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy and associated infrastructure. It is therefore incumbent on Longford County Council to set out robust policy objectives as part of their development plan to support the transition to a low carbon future through the continued development of a solar PV sector in Co. Longford.

We hope Longford County Council will consider this submission in finalising the new County Development Plan and Harmony Solar looks forward to positive engagement with the Council as well as local communities in the development of solar energy in county Longford.

Is mise, le meas,

Danielle O'Leary
for and on behalf of **Fehily Timoney and Company**

FEHILY TIMONEY

# Harmony Solar Ireland Ltd. Submission to Draft Longford County Development Plan 2021-2027

## 1. Introduction

Harmony Solar welcome the opportunity to engage as part of the Development Plan process and commends Longford County Council for the inclusion of a comprehensive and detailed suite of County Policy Objectives and Development Management Standards which are specific to renewable energy developments as part of *Chapter 5: Transport, Infrastructure, Energy and Communications* and *Chapter 16: Development Management Standards,* within the Draft Longford County Development Plan 2021-2027.

The Longford Development Plan is the primary document for spatial planning policy at county and local level and provides the basis in assessing planning proposals against. The planning authority through the development plan plays a key role in helping shape places to aid in reducing greenhouse gas emissions, to provide resilience to the impacts of climate change, and in supporting the delivery of renewable energy and low carbon and associated infrastructure. For this to be achievable, a collaborative approach is required between the planning authority, developers, other key agencies and the wider community.

The development of solar as a renewable energy source can make a significant contribution in the immediate term to meeting legally binding renewable energy targets and avoiding the significant costs associated with missing these targets. A robust solar industry in Ireland will assist in security of energy supply, diversify the fuel mix, contribute to job creation and rural development. To do so it is incumbent on Longford County Council, and indeed all Planning Authorities to establish the spatial planning framework in the Development Plan that provides clear, balanced policy direction that supports the transition to a low carbon environment for the benefit of the community more broadly.

In this submission, we consider the national and international policy and economic background to Solar development, as well as the content of Sections 5.8 *'Renewable Energy'* and *16.4.17 'Renewable Energy Developments'* included as Part of the Draft Longford County Development Plan 2021-2027. From the outset, it is important to acknowledge that from a spatial planning perspective utility scale solar development has few environmental impacts, it is not representative of an *intensive* form of development but rather is an *extensive* form of development. Thus, a 35MW solar farm typically requires c. 50-70-hectares of land. Suitable land banks for solar energy are typically found in rural area, however, when the national land bank is considered this land requirement does not compete with or diminish Ireland's agricultural potential. Construction activities for solar farm do need to be carefully managed, but these are temporary and once permitted, solar farms can be deployed rapidly and are generally operational in approximately 4 to 6 months, following the start of construction. The low profile of solar development and common retention of existing hedgerows and tree lines result in limited visual and landscape impact, and even large scale solar schemes can seamlessly integrate with the landscape and simply form part of the mixed tapestry of rural land uses. In respect of bio-diversity and ecology, solar development can often have a positive impact in rural areas especially when compared to intensive agricultural activities.

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In this submission, we make a number of specific recommendations in respect of the contents of the Sections 5.8 *'Renewable Energy' and 16.4.17 'Renewable Energy Developments'* of the draft 2021 Longford County development plan, each of which will be listed below, and our reasons, arguments and considerations for these are set out in the main body of the submission.

## 2. Harmony Solar Ireland Limited

Harmony Solar Ireland Limited are an independent renewable energy developer based in the Eastern and Midlands Region. The company's management has extensive experience in responsible development and management of renewable energy projects. To date, Harmony Solar has successfully obtained planning permission for a utility scale solar development within County Longford, the details of which are provided in the below table:

Table 2-1: Harmony Solar Permitted Solar Developments in Co. Longford

| Planning Reference | Decision | Brief Description |
|---|---|---|
| **18135**<br><br>**Location:** Townlands of Middleton, Ballycore, Treanboy and Newtown, near the village of Kilashee, Co. Longford | **Permission Granted** for proposed development subject to conditions on 20th September 2018. | Ten year permission for a solar farm on a site of approximately 51.38 hectares consisting of the following: up to 216,000 sq.m of solar photovoltaic panels on ground mounted steel frames to generate between 35MW to 50MW of electrical energy; substation and control room and associated hard standing; 14 no. inverter/transformer stations; underground power and communication cables & ducts; boundary security fence; CCTV cameras; upgraded internal access tracks; new internal access tracks and associated drainage infrastructure; provision of passing areas on lands adjacent to the L-12261 local road; access will be via the L-11261 local road through the upgrade of an existing agricultural entrance and at the existing entrance to Middleton House; and temporary construction compounds and all associated site services & works. |

Harmony Solar are continuing to progress solar projects across the County with the aim of delivering clean renewable energy to local homes and businesses.

In the context of renewable energy developments, it is necessary in the context of the Longford County Development Plan that national and international policy is firmly reflected in specific policy objectives. As outlined in the Climate Action Plan 2019, the Government is targeting net zero greenhouse gas emissions by 2050. To accelerate this transition, an interim target of 70% renewable electricity generation by 2030 together with retiring coal and peat-fired plants by 2025.

Moreover, the National Planning Framework further promotes renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050. For this to be achieved, there is an overarching requirement for investment in new energy systems and transmission grids to ensure a well distributed energy system.

## 3. National and International Policy Background

Longford County Council will be familiar with the national and international policy for renewable energy development, nonetheless it is important in the context of the Longford Development Plan that the foundation for local policy is firmly stated and reflected in specific policy objectives.

In December 2015, the Paris climate conference (COP21) the first ever universal legally binding global climate change deal was agreed. It is now globally recognised that the window for action on climate change is rapidly closing and that renewable energy sources will have to grow from 30% of global electricity at present to 80% by 2050 if we are to limit global warming to below 2 degrees[1]. The European Commission's adoption of the 'Energy Roadmap 2050' which looks beyond the 2050 targets, commits the EU to reducing greenhouse gas emissions to 80-95% below 1990 levels by 2050 effectively meaning that Europe's energy production will have to be almost carbon-free by 2050.

At national level, the key driver on policy is the Climate Action Plan (CAP) which was published in June 2019. The CAP identifies how Ireland will achieve its 2030 targets which includes an increased reliance on renewable from 30% to 70% adding 12GW of renewable energy capacity. In light of these targets, it is vital that action on sustainable energy is pursued more urgently than ever. The global focus on sustainable energy brings with it significant opportunities and challenges for local economies and communities. In Ireland, given the resource we have in terms of renewable capabilities and technological advancements and with appropriate development framework, arguably the country has sufficient accessible resources to meet our current renewable energy target to 70% by 2030. Electrifying our energy requirement is therefore the logical route and critical requirement for Ireland.

A 'business as usual' model is not sustainable for Ireland and measures to decarbonise the energy sector are urgently needed; planning authorities, through their development plans, have a key role and responsibility to ensure actions are rolled out at local levels. Solar PV is a key technology that can assist with the State's transition to a low carbon society. The large-scale development of solar PV would lower GHG emissions from the energy system while still satisfying the demand for energy services.

Having regard to the foregoing, with the Longford Development Plan (2021-2027) a new, strengthened phase of development support is required to provide effective solutions to our low carbon transition for business and citizens. Within the electricity generation sector, solar PV is proven to deliver one of the most cost effective renewable electricity sources worldwide. This point has been acknowledged by the European Commission in the European Commission Publication *A policy framework for climate and energy in the period from 2020 to 2030.* County Longford has sufficient radiant solar energy and is endowed with good connections to the national grid.

[1] IPCC Fifth Assessment Synthesis Report, Intergovernmental Panel on Climate Change AR5 report

In this regard, the preparation of a dedicated Renewable Energy Strategy for the County over the lifetime of the forthcoming 2021 County Development Plan as stated within **CPO 5.129** is welcomed by our client, Harmony Solar, and we further encourage Longford County Council to embrace the opportunity solar energy has for the county to become a lead alternative energy generator, assist in the national response to climate change and provide alternative income sources to rural areas of the county.

Whilst the afore-mentioned renewable energy targets of 70% to 2030 and 80% to 2050 are demanding, they are achievable, but to reach them efforts and investment must be focused and diverse. Planning policy should thus be directed toward making best use of our most available and cheapest natural resources.

The Longford County Development Plan will play a critical role in assisting the delivery of renewable energy technologies and we welcome the fact that solar PV is specifically referenced in the draft 2021 development plan, notwithstanding this, we consider that more explicit reference should be made to solar PV in the upcoming development plan to enable Longford to achieve its potential as a key contributor to Ireland's low carbon economy and achieving national energy targets. A significant step for this is setting out a clear policy vision for supporting solar energy in the Longford County Development Plan (2021-2027).

**Longford County Development Plan (2021-2027)**

**Recommendation 1:**

Harmony solar request that the Longford County Development Plan fully elaborates further on National and International policy for climate change and provision of renewable energy and that the plan includes a firm policy framework that supports renewable energy proposals and recognises the specific development requirements to facilitate large, grid scale renewable energy projects at suitable locations in the county.

## 4. Draft Longford County Development Plan 2021-2027, Section 5.8 *'Renewable Energy' and Section 16.4.17 'Renewable Energy Developments'*

Climate change continues to be one of the most serious global environmental challenges. Low-carbon, renewable electricity production is one of the most cost-effective methods of reducing greenhouse gasses across the Energy sector as well as providing a means to manage climate change. As stated within Section 5.8 of the draft Longford Development Plan, there is a pressing need for a move from traditional energy generation methods based on the burning of carbon-based fossil fuels, towards a more sustainable, low-carbon based energy generation and overall economy through renewable energy technologies. In this context, it is evident that there is a strong support at all policy levels for the development of renewable sources of energy. Renewable energy sources, such as that from utility scale solar developments, offers sustainable alternatives to our dependency on fossil fuels, thereby acting as a means of reducing harmful greenhouse emissions and enhancing opportunities to reduce our reliance on imported fuel sources.

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A secure, sustainable and competitive energy sector is central to Ireland's economic growth both in terms of the State's ability to attract and retain Foreign Direct Investment and sustain Irish enterprise. Solar photovoltaics (PV) is one of the fastest-growing sources of electricity globally, with emerging trends in the renewable energy market identifying solar energy as making a notable contribution to Ireland's renewable energy targets. One of the key driving forces for the increased scale of solar proposals in more recent years is the significant costs associated with installing solar panels and of costs payable by developers for ESB/Eirgrid Substation upgrades and line connections required to make a connection to the national grid. It is therefore imperative for the Planning Authority to understand and appreciate that in order to fulfil its role in providing affordable renewable energy to the Irish electricity market that the scale of individual development proposals is being determined by the requirement to maximise use of existing electrical infrastructure and gain economies of scale by developing utility scale solar developments which will likely be at least 10MW or greater.

The continued development of the solar industry in Ireland would result in significant new sources of jobs in rural areas, in fact, The Institute for Sustainable Futures estimates that 0.7 jobs are created per MW for the operational/maintenance lifetime of a solar project[2]. Thus, the further development of solar PV will provide rural host communities with a range of benefits, including:

- New revenue sources – landowners would generate an additional and stable income source through diversification of their existing business by integrating energy production into their core business.
- Once in place, solar farms allow agricultural activities to continue and give the site a **dual-usage** alongside the generation of renewable electricity. Typically, only 2% - 5% of grass sward is removed. Wide field margins, gaps between the rows of panels and area beneath the panels allow small livestock, such as sheep or chickens, to graze on the solar farm.
- Creation of valuable job opportunities for people in areas where there are otherwise limited employment opportunities. Direct jobs in construction and O&M and indirect jobs arising along the RE supply chain (manufacturing, specialised services) and by adapting existing expertise to the needs of the solar industry.

Noting the above, it is considered that the development of a significant quantum of solar PV in Ireland would realise substantial direct and in-direct employment opportunities, many of which would be in rural locations which have limited alternative employment opportunities outside agriculture. In this regard, the forthcoming Longford Development Plan is an opportunity to contribute to effective regional development, to enhance the rural employment base and increase the resilience of rural areas.

Section 5.8.2 of the Draft Longford Development Plan 2021-2027 refers to Solar Energy and outlines the site specific criteria for ground mounted commercial PV array installations and comprises a number of County Policy Objectives which relate specifically to Solar Energy and largely support and promote the development of solar energy infrastructure in the county.

[2] Rutovitz, J. and Harris, S. (2015). Calculating Global Energy Sector Jobs: 2015 Methodology Update. Prepared for Greenpeace International by the Institute for Sustainable Futures, University of Technology, Sydney.

Furthermore, Section 16.4.17.2 of the draft plan sets out a number of Development Management Standards which the council will consider in assessing renewable energy development proposals. In the following sections of this submission, we make a number of specific recommendations in respect of each of the above sections for inclusion in the Longford Development Plan 2021-2027.

**Longford County Development Plan (2021-2027)**

**Recommendation 2:**

Harmony solar is generally supportive of the County Policy Objectives in respect of Solar Energy and requests that the Longford County Development Plan (2021-2027) is inclusive of a specific policy objectives which supports utility scale solar development at suitable locations where it can be demonstrated that there are no significant adverse impacts to landscape or local amenity. It is also considered that the potential economic and employment opportunities that development of solar PV development can bring to local economies should be highlighted in upcoming development plan.

## 4.1 Renewable Energy Strategy and the identification of Strategic Energy Zones

Harmony Solar recognise and are supportive of the Council's objective **CPO5.129** to prepare a Renewable Energy Strategy for the County over the lifetime of the 2021 Longford County Development Plan. Similarly, Harmony Solar are fully cognisant of the requirements of Regional Planning Objective, **RPO 7.35** of the Regional Spatial and Economic Strategy 2019-2031 'RSES' to identify Strategic Energy Zones as areas suitable for larger energy generating projects. In this regard, we request that in the preparation of the Renewable Energy Strategy and the identification of Strategic Energy Zones, that the Planning Authority are considerate of the limited impacts associated with solar PV developments once fully operational, both in terms of residential amenity impacts and landscape and visual impacts.

To this end, Harmony Solar requests that in preparing the Renewable Energy Strategy for the county and in the identification of Strategic Energy Zones, that the Planning Authority are not overly restrictive on the acceptable and appropriate locations for solar PV developments and further, that proposals for solar PV development should be encouraged as an effective means of meeting renewable energy targets set out within the Climate Action Plan (CAP).

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**Longford County Development Plan (2021-2027)**

**Recommendation 3:**

Harmony Solar requests that in preparing the Renewable Energy Strategy for the county over the lifetime of the forthcoming Longford County Development Plan 2021-2027 and in the identification of Strategic Energy Zones in conjunction with EMRA, that Longford County Council do not adopt an overly restrictive approach in establishing the acceptable locations for solar PV developments but rather assess developments on their merits on a case by case basis, following engagement with the Planning Authority at pre-application stage.

## 4.2 Development Management Standards

Section 16.4.17.2 of the draft Longford County Development Plan provides a number of key development management standards in respect of renewable energy and states that the Planning Authority *'recognises that solar farms as a renewable energy source, can contribute to reductions in fossil fuel dependency and greenhouse gas emissions'* noting also that there is no national policy guidelines on solar farms. In this context the Council will consider *Chapter 5*: *Transport, Infrastructure, Energy and Communications*, *Chapter 14: Landscape Character* and *Annex 9: Landscape Character Assessment* of this Plan. The following sections of this report will provide for a number of recommendations in respect of the noted development management standards.

### *Decommissioning*

With respect to the decommissioning of solar energy developments development plan objective **DMS16.181** provides that in the assessment of renewable energy development proposals such as wind and solar energy schemes, the Council, will have regard to a number of criteria, including:

*I) Decommissioning of obsolete infrastructure and after-use.*

Harmony Solar are generally supportive of the above requirement but strongly consider that it is most appropriate for a formal decommissioning plan to be agreed closer to the decommissioning date and that a condition of planning should be attached to utility scale solar developments which states the following:

*'A decommissioning plan will be agreed with the local authorities three months prior to decommissioning the Proposed Development.'*

This would be in line with best practice approaches for other types of renewable energy projects. For example, as noted in the Scottish Natural Heritage report (SNH) Research and Guidance on Restoration and Decommissioning of Onshore Wind Farms (SNH, 2013) reinstatement proposals for a wind farm are made approximately 30 years in advance, so within the lifespan of the wind farm, technological advances and preferred approaches to reinstatement are likely to change.

According to the SNH guidance, it is therefore:

> *"best practice not to limit options too far in advance of actual decommissioning but to maintain informed flexibility until close to the end-of-life of the wind farm.*

**Longford County Development Plan (2021-2027)**

**Recommendation 4:**

Harmony Solar are generally supportive of Longford County Council's requirement in assessing solar energy schemes for details in respect of 'Decommissioning of obsolete infrastructure and after-use, however it is considered that a decommissioning plan should be agreed closer to the decommissioning date. It is thus considered that a condition of planning should be attached to any future schemes which states the following:

*'A decommissioning plan will be agreed with the local authorities three months prior to decommissioning the Proposed Development'.*

The above is considered to be in line with best practice approaches for alternative types of renewable energy projects and as such we would request Longford County Council to adopt this approach in respect of future solar PV developments.

*Flood Management*

With regards to Flood Management, Longford County Council's Development Management Standard **DMS16.182** for renewable energy seeks to ensure that proposals for the development of solar farms *'are not located within areas identified as being within Flood zones A of B as per the Planning System and Flood Risk Management Guidelines 2009 for Planning Authorities (or any updated guidelines).'*

Whilst we are supportive of the necessity of solar PV developments to be in compliance with the Planning System and Flood Risk Management Guidelines for Local Authorities (DHELG and OPW 2009), we note that solar panels are water compatible, are designed to be waterproof and to ensure no ingress of moisture during their lifespan and do not affect surface hydrology. Even if in the worst case scenario, where panels were temporarily submerged, it is noted that there would not be any damage to panels nor would it raise the risk of any pollution. In addition, it is noted that the siting of solar panels within flood zones subject to appropriate mitigation has been found to be acceptable in principle by a number of planning authorities and An Bord Pleanála, we would therefore encourage Longford County Council to adopt a similar approach. Notwithstanding this, we note that the electrical infrastructure including substations and inverters should be located outside such flood zones.

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Having regard to the above, we recommend that Development Management Standard **DMS16.182** be revised to require that all development proposals within or incorporating areas at moderate or high risk of flooding are accompanied by a site-specific, detailed Flood Risk Assessment and will require the application of a site specific flood risk assessment (SSFRA) in line with the Planning System and Flood Risk Management Guidelines for Planning Authorities (DEHLG and OPW, 2009).

In addition to the above discussion, we refer the Planning Authority to Chapter 6 of the Draft Meath County Development Plan 2020-2026, published on 18th December 2019 which provides the overarching *'Infrastructure Strategy'* for the county. More specifically, we refer to **INF OBJ 28** which states the following:

> *'To ensure that proposals for the development of solar farms are not located within areas identifies as being within Flood zones A or B as per the Planning System and Flood Risk Management Guidelines 2009 for Planning Authorities (or any updated guidelines).'*

However, following opposition to the above objective as part of the public consultation period, it was noted that **INF OBJ 28** is overly restrictive and it is considered that solar farms should not be prohibited from being located in Flood ones A or B.. In this regard, the following commentary is included within the Chief Executive Report on Public Submissions:

> *'The Chief Executive agrees that solar panels are not particularly vulnerable to flooding but that the required ancillary electrical infrastructure is considered a vulnerable type of development. Notwithstanding this, the placement of panels in an area of flood risk must be assessed against their potential to increase the risk of flooding upstream or downstream of the area.....'*
>
> *'It is nonetheless agreed that solar farms should not be prohibited from being located in Flood Zones A or B, provided they can satisfy the justification test criteria in a Site Flood Risk Assessment'.*

In consideration of the above, the Chief Executives Recommendation was to amend **INF OBJ 28** as follows:

> *'To ensure that proposals for development of solar farms located within areas identified as being within Flood Zone A and B are subject to a Site-Specific Flood Risk Assessment as per the Planning System and Flood Risk Management Guidelines 2009 for Planning Authorities (or any updated guidelines).'*

In this context, we encourage Longford County Council to have due regard to the recommendations of the Chief Executive of Meath County Council in the case of proposals for development of solar farms located within areas identified as being within Flood Zone A and B, within the Draft Meath County Development Plan and amend the requirements Development Management Standard **DMS16.182** accordingly as a best practice approach.

**Longford County Development Plan (2021-2027) – *'Energy Strategy'- Flood Management***

**Recommendation 5:**

Harmony Solar seek to ensure that the council acknowledges that solar panels are 100% water compatible and their provision in a flood zone should not be precluded. This should, nonetheless, be assessed on a site specific basis involving the preparation of a Site Specific Flood Risk Assessment as part of any future solar PV development which incorporates areas of moderate to high risk of flooding. In this regard, we strongly consider that Development Management Standard **DMS16.182** as included within the Draft County Development Plan 2021-2027 should be revised to state the following:

*'All development proposals within or incorporating areas of moderate or high risk of flooding shall be accompanied by a site-specific Flood Risk Assessment in accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities (DHELG and OPW, 2009)'*

The above is considered to be in line with best practice approaches for alternative types of renewable energy projects and as such we would encourage Longford County Council to adopt this approach in respect of future solar PV developments.

*Timescales*

To date, we understand a total of 4 no. solar PV developments have been permitted within County Longford, each of which is detailed in Table 4-1 below. As evident, each of the below consents issued by Longford County Council, which were not appealed to An Bord Pleanála are limited to a period of five years, unless granted by a future extension of duration under Section 42 of the Planning and Development Act 2000 (as amended).

Table 4-1: Permitted Solar PV Developments within Co. Longford

| Planning Reference | Decision and Duration | Brief Description |
|---|---|---|
| **18135**<br>**Location:** Townlands of Middleton, Ballycore, Treanboy and Newtown, near the village of | **Permission Granted** for proposed development subject to conditions on 20th September 2018.<br>**Application Duration:** 5 years<br>**Operational Period:** 30 years from | Ten year permission for a solar farm on a site of approximately 51.38 hectares consisting of the following: up to 216,000 sq.m of solar photovoltaic panels on ground mounted steel frames to generate between 35MW to 50MW of electrical energy; substation and control room and associated hard standing; 14 no. inverter/transformer stations; underground power and communication cables & ducts; boundary |

| Planning Reference | Decision and Duration | Brief Description |
|---|---|---|
| Kilashee, Co. Longford | commencement of development | security fence; CCTV cameras; upgraded internal access tracks; new internal access tracks and associated drainage infrastructure; provision of passing areas on lands adjacent to the L-12261 local road; access will be via the L-11261 local road through the upgrade of an existing agricultural entrance and at the existing entrance to Middleton House; and temporary construction compounds and all associated site services & works. |
| **19222**<br>**Location:**<br>Ballykenny, Co. Longford | **Permission Granted** by ABP for proposed development subject to conditions on 8th May 2020.<br><br>**Application Duration:** 10 years<br>**Operational Period:** 25 years | 25 year permission for a solar farm up to 19 Ha with an export capacity of approximately 9MW comprising of photovoltaic panels on ground mounted steel frames, a single storey DNO building, customer room, control building, storage container, HV kiosk, switch gear housing and 6 no. inverter transformer enclosures, ducting and electrical cabling, perimeter fencing, mounted CCTV cameras, new internal access tracks and associated drainage infrastructure and all associated site works at Ballkenny, Co Longford. Please Note: this site is adjacent to the existing ESB Richmond Electricity Substation. A Natura Impact Statement will be submitted to the planning authority with the planning application. The Natura Impact Statement will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, during office hours at the offices of the Planning Authority |
| **1681**<br>**PL. 14.246850**<br><br>**Location:**<br>Lisnageeragh, Edgeworthstown, Co. Longford | **Permission Granted** by APB for proposed development subject to conditions on 7th November 2016.<br>**Application Duration:** 10 years<br>**Operational Period:** 25 years | a solar farm with an export capacity of approx. 4.2MVA comprising photovoltaic panels on ground mounted frames, a single storey terminal station, 4 no. single storey inverter stations, ducting & electrical cabling, perimetre fencing, mounted CCTV cameras, improved access and provision of internal access track and all associated site development and landscaping works - The application is for a 10 year permission - |
| **18146**<br>**Location:**<br>Fisherstown, Clondra, Co. Longford | **Permission Granted** for proposed development subject to conditions on 2nd October 2018.<br><br>**Application Duration:** 5 years | development at a site comprising lands within the property of the former Atlantic Mills factory. The development will comprise the construction of a solar farm with an export capacity of approximately 4MW comprising photovoltaic panels on ground mounted frames, with associated infrastructure including a switch gear control room (to be developed at 1 of 2 location options on site. |

| Planning Reference | Decision and Duration | Brief Description |
|---|---|---|
| | **Operational Period:** 30 years from commencement of development | No additional works proposed to the existing substation on site as part of this application), ducting and electrical cabling, internal access roads, fencing and all associated site development works |

In consideration of the contents of this submission and given the nature of proposed solar PV developments, Harmony Solar consider that the duration of the permission i.e. the period in which the development can be completed, should be for a period of ten years from the date of grant of planning permission pursuant to Section 41 of the Planning and Development Act (as amended), as a best practice approach.

In this regard, Section 41 of the Planning and Development Act (as amended) states that the consenting authority may:

> *"having regard to the nature and extent of the relevant development and any other material considerations, specify the period, being a period of more than 5 years, during which the permission is to have effect".*

From the outset, it is noted that solar PV developments can take in excess of 5 years to reach construction phase procedural requires for grid connection and supply auctions together with financing and construction constraints. In this context, proposed solar PV developments are dependent on achieving a suitable connection to the electricity Grid network which is under the control of EirGrid or ESB Networks. While a grid connection application is made as part of any solar development, the timeframe for receiving an offer is unknown therefore we respectfully request that the planning authority consider the issue as a material consideration given the nature of solar developments. In addition to this, relevant support tariff or corporate power purchase agreement (PPAs) as well as securing project finance has introduced considerable delays for developers. On the basis of the foregoing, we strongly consider that it to be more appropriate for the Planning Authority to grant permission for solar PV developments for a longer period.

Although such guidelines are not specifically available for solar energy developments, the Department of Environment, Heritage and Local Government's Planning Guidelines on Wind Farm Development states the following:

> *"Planning Authorities may grant permission for a duration of longer than 5 years if it is considered appropriate, for example, to ensure that the permission does not expire before a grid connection is granted. It is however, the responsibility of the applicants in the first instance to request such longer durations in appropriate circumstances."*

In addition, the Department of the Environment, Heritage and Local Government's Development Management Guidelines for Planning Authorities further notes that:

> *"Planning Authorities may grant permission for a duration of longer than 5 years if they see fit, but it is the responsibility of applicants in the first instance to request such longer durations in appropriate circumstances".*

It is noted that the timing of the construction and installation works for proposed solar arrays are predicted on a number of factors, not least of which is the surety of achieving planning permission for any such development, as this provides the context to pursue financial support mechanisms and facilitate fulfilment of grid connection offers from ESBN/EirGrid. It is for this reason that permissions for a ten-year period is strongly believed to be appropriate and that such proposed developments cannot be thought of as being premature or unreasonable in considering the aforementioned factors.

Referring to table 4-1 above, it is noted that the operational period each of the permitted solar PV developments within the county ranges from a period of 25-30 years. However, for the reasons outlined below, Harmony Solar also requests that future solar PV developments be granted planning permission for an **operational period of between 30 – 40 years**– i.e. that the planning permission specifies an operational period of 30 years to 40 years from the date of commissioning of the solar farm.

In the decisions at Middleton, Kilashee (Planning Reg. Ref. 18135) and Fisherstown Clondra (Planning Reg. Ref. 18146), Condition no. 6 of Reg. Ref. 18135 and Condition no. 8 of Reg. Ref.18146 granted permission of 30 years from the date of commencement of development unless planning permission for a further period shall have been granted. Given that each of the above consents are for a period of 5 years (i.e. the period in which the development can be completed) this in turn would facilitate a maximum operational life of 25 years.

The technology associated with solar photovoltaic cells and solar energy projects have made rapid advances in recent years. Ongoing technological progress has resulted in the expected physical lifetime of modern solar photovoltaic equipment to be at least 30 years, and up to 40 years in some instances and it is requested that future planning permission reflects and is considerate of this. In this regard it is suggested that permissions for solar PV are granted with a lifetime up to maximum of 40 years.

Financing associated with solar energy, and indeed most significant infrastructure development, is based around its operational life and thus landholding agreements will be based on an approximate 30-40 year timeframe. It is therefore reasonable, that in order to maximize environmental and sustainable energy benefits of proposed solar developments, that a 30-year to 40-year operational lifetime is applied if planning permission is granted.

Having regard to the above, we refer to a recent precedent relating to lands at Ballyclogh, Tullabeg, Medophall and Medophall Demense, Co. Wexford (PL26.306065), whereby An Bord Pleanála issued a grant of permission in September 2020 for a solar PV development comprising of approximately 384,000 square metres of solar panels on ground mounted frames, for an operational period of 35-years from the date of commissioning of the solar array. In addition, a recent legal precedent

appears in a ruling against Spain by the *World Bank's International Centre for Settlement of Investment Disputes* (ICSID)[3] in September of 2019, following a case brought by solar investors *OperaFund Eco-Invest* and *Schwab Holding* over retroactive feed-in tarrif cuts. In this instance, expert witness testimony for ICSID stated that the plantiffs plants *'could have carried on working for a minimum of 35 years'*. This view was further adopted in the final ruling.

Furthermore, we note, as demonstrated in the context of other solar energy developments, recently it has been accepted by Local Authorities that a 30-year operational lifetime is appropriate for solar energy developments. This has been demonstrated by Kilkenny County Council in the decision at Ballyhale and Kitorcan (Planning Reg. Ref. 19538) whereby Condition no. 5 granted a 30 year operational life. This application sought to amend the previously approved solar farm as granted under Reg. Ref. 16592 (PL10.247616). Other Local Authorities have also demonstrated the acceptance of a 30 year operational life in the decisions at Knockanoura and Cahershaughnessy, Co. Clare (Clare County Council Reg. Ref. 19180 & 19194) Condition no. 4 (a) attached to both grants allowed for 30 years in each permission. More recently Westmeath County Council deemed that a 30-year operational lifetime was acceptable timeframe in its decision at Clondardis, Co. Westmeath (Planning Reg. Ref. 206132).

It should also be noted that the 30-year operational lifetime has also been accepted by An Bord Pleanála for instance, as demonstrated in the decisions at: Clonroche Co. Wexford & Ralphtown, Muchtown and Newtown Co. Wexford in which the conditions attached to the grant of permission, provided for a 10-year permission with a 30 year (after commission) operational life (An Bord Pleanála Reference Numbers: PL26.247179 & PL26.247366).

Clonfad, Enniscoffey Hightown, Lowtown, Pass of Kilbride and Rattin, Co.Westmeath in which the conditions attached to the grant of permission, provided for a 10 year permission with a 30 year (after commission) operational life (An Bord Pleanála Reference Number: PL25M.305992. We implore Longford County Council to take the above precedents into consideration finalising the Longford County Development Plan 2021-2027 and recognise the necessity of applying a ten-year duration of permission to future solar development with an operation period of between 30 - 40 years.

[3] https://www.greentechmedia.com/articles/read/europes-solar-market-grapples-with-35-year-plant-lifespans

**Longford County Development Plan (2021-2027)**

**Recommendation 6:**

Harmony Solar request that Longford County Council include specific objectives within its Development Management Chapter of the 2021 Development Plan which indicates that the duration of the permission for solar PV developments i.e. the period in which the development can be completed, should be for a **period up to ten years from the date of grant of planning permission**. Furthermore, it is considered that future solar PV developments be granted planning permission for an **operational period of between 30-40 years** – i.e. that the planning permission specifies an operational period between 30-40 years from the date of commissioning of the solar farm in order to maximize the environmental and sustainable energy benefits of proposed solar developments.

*Siting of new developments*

In respect of the location of new solar PV developments, County Policy Objectives **COP 5.142** and **CPO 5.143** as included within the Draft Longford Development Plan (2021-2027), promote the development of solar energy infrastructure in suitable locations in an environmentally sustainable manner and states that such projects will be considered subject to environmental safeguards and the protection of natural or built heritage features, biodiversity, views and prospects and other relevant planning considerations.

Whilst Harmony Solar are generally supportive of the above policy objectives, with regards to the siting of new solar PV developments, we would request that Longford County Council be cognisant of the fact that all solar developments are somewhat fragmented by nature, often occupying different sections of landholdings. As afore-mentioned this is governed by a number of factors including ecological considerations, site access requirements, flood related concerns, residential amenity considerations, land availability and the suitability of the site.

The breaking up of solar array clusters can have a positive influence as it can represent a smaller intervention on the landscape and a sense of encroachment would not transpire as the project would read as multiple smaller projects rather than one expansive single form project. The associated benefits of breaking up the development into smaller segments which link together includes that the visual and landscape impact would be dispersed over a broader area, making it more compatible with the typical Irish landscape which is represented by a tapestry of fields of varying sizes and land-uses, avoiding a localised effect that may occur with large scale compacted developments and allowing for the retention of existing landscape features and field boundaries. In support of this approach, we note the following precedent approved under ABP Ref: 302475-18, which relates to a solar PV development within the area of Rospile, Co. Wexford.

In this instance, Wexford County Council refused permission for the development for a number of reasons, inclusive of refusal reason No. 1 which states the following:

> *'Character and location on a fragmented holding of 52 hectares would militate against the preservation of the landscape, cultural heritage resource, the amenities of residential properties and agricultural land use patterns.'*

However this application was subsequently granted by An Bord Pleanála. In their assessment of the application the Boards Inspector notes the following in response to the above refusal reason:

> *'Further the Irish rural landscape is generally represented by patchwork of relatively small fields broken up by hedgerows of various quality that have not been subject to the consolidation of fields to the same extent that can be observed in other jurisdictions. This is a distinctly positive feature for developments such as solar arrays to be able to adapt to such a landscape while respecting the existing character and adapting to the existing field systems and hedgerows.'*
>
> *'While the proposed development may modify the "landscape fabric" of the area, I agree for the most part with the applicant that it does not markedly affect the landscape patterns and will not unduly contrast with the areas prevailing rural landscape character. I do not consider the scheme to have such a negative impact on the landscape character of the area as to warrant a refusal of permission.'*

The above commentary clearly indicates that the adopted fragmented approach in the case of the above was appropriate and did not unduly affect the rural landscape character of the area.

Having regard to the above, we consider that applications for dispersed locations should be decided on a case by case basis having regard to normal planning considerations.

**Longford County Development Plan (2021-2027)**

**Recommendation 7:**

For the reasons set out in this submission, when assessing applications for solar PV developments, Harmony Solar requests that Longford County Council consider the siting/location of new developments on a case by case basis, recognising that there is a necessity in some instances for larger scale solar developments to be fragmented on account of ecological considerations, access requirements, flood related concerns, land suitability, residential amenity considerations and land availability.

## 5. Conclusion

Harmony Solar welcome the opportunity to contribute to the Longford County Development Plan 2021-2027. The plan is a valuable opportunity to realise and plan for, in an appropriate manner, the sustainable development of Longford.

In summary, we note that the Draft Longford County Development Plan 2021-2027 is generally supportive of renewable energy developments and more specifically solar energy schemes. Harmony Solar believes that utility scale solar development will be a key instrument in assisting Ireland to meet its legal commitments in respect to renewable energy production allows rapid deployment with few environmental or amenity issues. The technology does require a significant quantum of space, and this is likely best located in rural areas, however this does not mean utility scale solar development is in competition with or will inhibit agriculture.

In this submission, we have provided a Longford County Council with 7 no. key recommendations in relation to the Solar PV developments and we trust that each of which will be given full consideration in finalising the Longford County Development Plan 2021-2026.

We look forward to the issuing of the final iteration of the Longford County Development Plan 2021-2027 in due course.