

An
Bord
Pleanála

Board Direction
BD-017769-24
ABP-318759-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/10/2024.

The Board decided to approve the proposed permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- the Climate Action Plan 2024;
- the Project Ireland 2040 National Planning Framework;
- the Eastern and Midland Regional Spatial and Economic Strategy (RSES) 2019-2031;
- the Meath County Council Development Plan 2022-2027;
- the nature, scale, and extent of the proposed development;
- the characteristics of the site and surrounding area, including the separation distances between the proposed development and dwellings or other sensitive receptors;
- the documentation submitted with the proposed application, the submissions and observations from prescribed bodies and the planning authority;
- the planning history of the immediate area including the permitted solar farm development (planning authority reference number - 21546, An Bord Pleanála reference number -311760-21).

It is considered that the proposed development would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, zoning of the site, the Screening for Appropriate Assessment and Natura Impact Statement Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, on the basis of objective information, that the proposed development, by itself or in combination with other development in the vicinity, the likelihood of significant effects on the following European sites could not be ruled out, River Boyne and River Blackwater Special Area of Conservation (Site Code: 001959) and River Boyne and River Blackwater Special Protected Area (Site Code: 004232).

Appropriate Assessment – Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on the River Boyne and River Blackwater Special Area of Conservation (Site Code: 001959) and River Boyne and River Blackwater Special Protected Area (Site Code: 004232)., in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (a) the site-specific conservation objectives for the European Sites,
- (b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or

projects, and in particular the risk of impacts on water quality on QI/SCI species, and,

- (c) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board 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 Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites in view of their conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project, including measures identified to control the volume and quality of surface water discharges which provide for the appropriate management of flows and interception of silt and other contaminants prior to discharge from the site during construction and operation, and there is no reasonable scientific doubt as to the absence of adverse effects.

Proper Planning and Sustainable Development

It is considered that subject to compliance with the conditions set out below the proposed development would be in accordance with European, national, regional and local planning and related policy, it would not have an unacceptable impact on the landscape, water quality, ecology or archaeology, it would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and it would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the 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 undertaker shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

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

Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. Prior to the commencement of development, the undertaker shall submit to the planning authority for written agreement:
 - (a) Details of the design option for the IPP building for written agreement with the planning authority, as shown in Drawing Number 409-00 Sheet 1 and Sheet 2, Independent Power Producer Control Building Plan and Elevations.
 - (b) Details of all CCTV cameras and private lighting to be installed within the substation site.
 - (c) Demarcation of parking spaces to be provided for operational traffic in the Independent Power Producer and EirGrid compounds.

Reason: In the interest of clarity and visual amenity.

4. Mitigation and monitoring measures outlined in the plans and particulars, including the Natura Impact Statement, Ecological Impact Assessment, Cultural Heritage Impact Assessment, Traffic Transport and Access Report and

Construction and Environmental Management Plan submitted with this application, shall be carried out in full. Prior to the commencement of development the undertaker shall submit a schedule of all mitigation measures to the planning authority in a single document.

Reason: In the interest of protecting the environment and in the interest of public health.

5. (a) Existing field boundaries shall be retained.
- (b) Biodiversity enhancement measures for the part of the subject site under overhead lines shall be integrated with those for the permitted solar farm (ABP Ref: 311760). Where wildflower meadows are to be established this shall be via natural revegetation or sourcing of seeds from the local area, for written agreement with the planning authority.
- (c) Efficacy of biodiversity enhancement mitigation measures shall be demonstrated in annual monitoring reports.

Reason: In the interest of biodiversity.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. During construction, noise levels at noise sensitive locations shall not exceed 70dB(A) between 0700 to 1900 hours Monday to Friday and 0800 and 1400 hours on Saturdays and 45dB(A) at any other time. Noise exceedance activities shall be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

8. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The Construction and Environmental Management Plan shall incorporate, but is not limited to, the following:
 - (a) Construction Stage Traffic Management Plan, to include all traffic and transport mitigation measures, timing and routing of construction traffic to and from the construction site, associated directional signage, arrangements for the delivery of abnormal loads to the site and arrangements for the coordinated management of construction traffic on the L2210 should the subject development be constructed concurrently with the adjacent permitted Solar Farms,
 - (b) Invasive Species Management Plan,
 - (c) Waste Management Plan,
 - (d) measures to minimise noise and vibration,
 - (e) measures to protect soils, ground and surface water and hedgerows,
 - (f) arrangements for water quality monitoring and reporting to the planning authority, upstream and downstream of the substation site, prior to, during and post construction works,
 - (g) the appointment of a full-time, appropriately qualified environmental manager/Ecological Clerk of works for the duration of the construction and development phases of the project,
 - (h) details on the location of all archaeological and cultural heritage constraints relevant to the proposed development, as set out in the Cultural Heritage Impact Assessment and by any subsequent archaeological investigations associated with the project. This shall include an appropriate protective fencing around Chapter 25 and means to protect townland boundaries. The Construction and Environmental Management Plan shall clearly describe all identified likely archaeological

- impacts, and all mitigation measures to protect archaeological and cultural heritage during all phases of construction, and,
- (i) no washing out of vehicles used in concrete transport or concreting operations shall be carried out on site.

A record of daily checks that the construction works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept at the construction site office for inspection by the planning authority. The agreed Construction and Environmental Management Plan shall be implemented in full in the carrying out of the development

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

- 9.
 - (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.
 - (b) All works in the vicinity of watercourses shall be in accordance with the recommendations in Inland Fisheries Ireland's Guidance Document on Protection of Fisheries during Construction Works in and adjacent to Waters, 2016, and shall be referred to in the Construction and Environmental Management Plan (CEMP) and shall be supervised by an Ecological Clerk of Works and Project Hydrologist.

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

- 10.
 - (a) Prior to commencement of development Underwater Archaeological Impact Assessment (UAIA) shall be commissioned, to include a desktop assessment that addresses the underwater cultural heritage of the proposed development area and a licenced dive/wade assessment, to the satisfaction of the National Monuments Service. No construction works shall commence until after the Underwater Archaeological Impact Assessment has been submitted to the National Monuments Service and reviewed.

- (b) The undertaker shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/ or the implementation of agreed preservation in-situ measures associated with the development, as appropriate, following consultation with National Monuments Service. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

Should archaeological remains be identified during the course of Underwater Archaeological Impact Assessment and/or archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation, preservation in-situ and/or excavation. The undertaker shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the undertaker. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the undertaker.

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

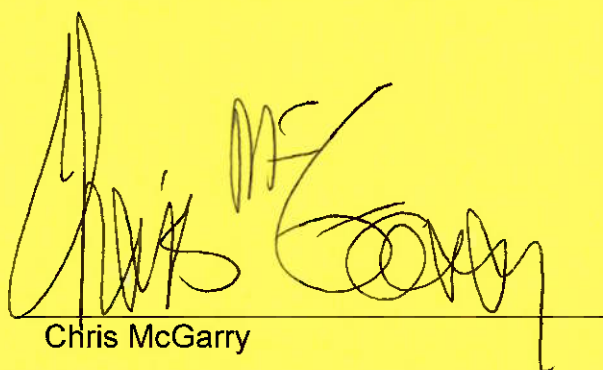
11. Operational noise levels shall not exceed 55dB(A) $L_{eq\ 1hour}$ at the nearest noise sensitive locations between 0800 and 2000 hours (Monday to Friday inclusive) and shall not exceed 45dB(A) $L_{eq\ 1hour}$ at any other time.

Reason: In the interest of residential amenity.

Schedule of Costs

In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the undertaker is
€73,933

Board Member



Chris McGarry

Date: 04/10/2024