

An
Bord
Pleanála

Board Direction
BD-019019-25
ABP-320738-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/02/2025.

The Board decided to APPROVE the proposed development for the following reasons and considerations and subject to the conditions set out below.

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

- (a) The nature, scale and extent of the proposed development,
- (b) The pattern of development within the area and context of the receiving environment,
- (c) The national targets for renewable energy contribution to the overall national grid,
- (d) The national, regional and local policy support for developing renewable energy, in particular the following:
 - (i) Climate Action Plan 2024,
 - (ii) Climate Action and Low Carbon Development Act 2015 (as amended),
 - (iii) Project Ireland 2040 National Planning Framework (2018),
 - (iv) National Development Plan 2021-2030,
 - (v) National Energy Security Framework (April 2022),
 - (vi) National Energy & Climate Action Plan 2021-2030,
 - (vii) National Biodiversity Action Plan 2023 – 2030,
 - (viii) The Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031,
 - (ix) The Meath County Development Plan 2021-2027.

- (e) The planning history of the immediate area,
- (f) The distance to dwellings and other sensitive receptors from the proposed development,
- (g) Mitigation measures proposed for the construction, operation and decommissioning of the development,
- (h) The submissions on the file,
- (i) The documentation submitted with the application,
- (j) The report of the Inspector.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Rye Water Valley/Carlton Special Area of Conservation (Site Code: 001398) is the only European site for which there is a possibility of significant effects and must therefore be subject to 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 the European Site in view of the site's Conservation Objectives for the Rye Water Valley/Carlton Special Area of Conservation (Site Code: 001398). 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 sites conservation objectives using the best available scientific knowledge in the field.

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

- (i) Site Specific Conservation Objectives for these European Sites,
- (ii) Current conservation status, threats and pressures of the qualifying interest features
- (iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (iv) 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 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 Rye Water Valley/Carlton Special Area of Conservation (Site Code: 001398) European site or any other European site in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

This conclusion is based on a full and detailed assessment of all aspects of the proposed development including proposed mitigation measures in relation to the Conservation Objectives of the Rye Water Valley/Carlton Special Area of Conservation (Site Code: 001398) and an assessment of likely in-combination effects with other plans and projects. No reasonable scientific doubt remains as to the absence of adverse effects on the integrity of the European Sites.

EIA Screening

The Board noted and agreed with the inspector's findings as set out in Section 8.1.4 of the inspector's report that neither a Substation or Battery Energy Storage System such as those proposed fall within a class of development in either Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.

The Board noted that the proposed development also includes 140m of 220kv overhead line for a part of the transmission electricity network and concluded that this element could be considered as falling within Class 3(b) of Part 2 that includes 'transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more'. Noting this class of development of relevance and the applicant's submitted EIA Screening report that includes Schedule 7A information, the Board was satisfied that EIA screening was required.

The Board agreed with and adopted the screening for EIA set out in the inspector's report and conclusion reached that the proposed development would not be likely to have significant effects on the environment and the Board determined that EIA (and

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, the proposed development would be in accordance with European, national, regional and local planning and related policy, would be consistent with the provision of the Climate Action Plan 2024 and would make a positive contribution towards Ireland's renewable energy and security of energy supply requirements. The proposed development would not have an unacceptable impact on the character of the landscape or on cultural heritage, would not seriously injure the visual and residential amenities of the area, would not have undue impacts on surrounding land uses, would not have an unacceptable impact on ecology or on any European Site, would not lead to an increased risk of flooding within the site or adjoining lands, and would be acceptable in terms of public health and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as supplemented by the information received on the 2nd day of September 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 undertaker shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out in accordance with the agreed particulars.

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

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 for this permission in excess of five years.

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

Reason: To protect the integrity of European Sites.

4. All of the environmental, construction and ecological mitigation and monitoring measures set out in the Ecological Impact Assessment Report, Appendices, and all other particulars submitted with the application, shall be implemented by the undertaker 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 interest of clarity and the protection of the environment during the construction and operational phases of the development.

5. 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.

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

6. External finishes to fencing, gates and exposed metalwork (non-galvanised/subject to EirGrid requirements), roof and external walls of all buildings, shall comply with the requirements of the planning authority.

Reason: In the interest of visual amenity.

7. Prior to the commencement of development, the undertaker shall comply with the transportation requirements of the planning authority for such works and services as appropriate. Such requirements shall require provision of a detailed Traffic Management Plan and shall include the following details:

- (a) Consultation with Transport Infrastructure Ireland and all private and public companies and road authorities.

- (b) Details of haulage routes, control measures for abnormally sized vehicles and an Abnormal Load Assessment.
- (c) A road condition survey of roads and bridges along the haul route to be carried out at the undertaker's expense and to the satisfaction of the planning authority.
- (d) Detailed arrangements for construction damage to be made good by the undertaker to the satisfaction of the planning authority.
- (e) Detailed arrangements for temporary traffic management/controls and protocols to keep residents informed,
- (f) Construction Route Signage,
- (g) Road Opening Licences if required,
- (h) Arrangements for the phasing of the development and any concurrent or sequential phase of the Solar Farm or cabling in the public road to connect the solar farm to the sub-station.
- (i) Detailed design of the site entrance with provision of entrance and sightlines to the satisfaction of the planning authority.

Reason: In the interest of traffic and pedestrian safety.

8. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the planning authority. The CEMP shall incorporate the following:

- (a) A detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise, dust and surface water management measures including appointment of a site noise liaison officer, construction hours and the management, transport and disposal of construction waste. This shall address any concurrent construction phase of the Solar Farm;
- (b) A comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period;
- (c) An Invasive Species Eradication and Management Strategy for the site, to include monitoring post completion of works;
- (d) An Emergency Response Plan;

- (e) Proposals in relation to public information and communication and
- (f) A record of daily checks that the works are being undertaken in accordance with the CEMP shall be kept for inspection by the planning authority.

The finalised CEMP Plan shall also take account of the mitigation measures outlined within the Natura Impact Statement.

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

9. The undertaker shall engage a suitably qualified (licensed eligible) 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.

Prior to the commencement of such works the archaeologist shall consult with and forward to the planning authority archaeologist or the National Monument Service (NMS) as appropriate, a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the NMS, regarding appropriate mitigation (preservation in-situ/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 NMS, 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 NMS 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 (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or 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 amenities of property in the vicinity.

11. A finalised Landscape Management and Maintenance Plan and Biodiversity Management Plan for the proposed development, in accordance with those already submitted, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The site shall be managed in accordance with the agreed plans. These plans shall cover a period of at least five years and shall include details of arrangements for Yellowhammer mitigation and all other mitigation including the arrangements for implementation of same.

Landscape planting shall utilise native species of local origin, reflecting those species naturally occurring in the locality.

Reason: To ensure the preservation and protection of flora and fauna within the site and provide for the satisfactory future maintenance of this development in the interest of visual amenity.

12. Prior to the commencement of development, details of Closed-Circuit Television (CCTV) cameras shall be submitted to the planning authority for written agreement. These shall be fixed and angled to face into the site and shall not be directed towards adjoining property or roads.

Reason: In the interest of clarity, of visual and residential amenity.

13. Prior to commencement of development, the undertaker 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 on cessation of the project coupled with an

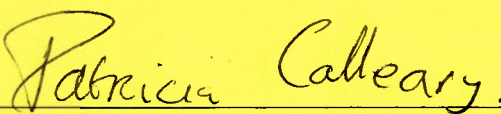
agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the undertaker or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

Determination on Costs

The Board also determined that under section 182B of the Planning and Development Act, 2000, as amended, the amount due to be reimbursed to the applicant is **€87,975**.

Board Member


Patricia Calleary

Date: 24/02/2025