



An  
Bord  
Pleanála

**Board Order**

**PL 17.248028**

---

## **Planning and Development Acts 2000 to 2017**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: LB/160998**

**Appeal** by Ronan Diamond of Broadacres, Minnistown Road, Laytown, County Meath against the decision made on the 20<sup>th</sup> day of January, 2017 by Meath County Council to grant subject to conditions a permission to Solar Farmers Limited care of Fehily Timoney and Company of Core House, Pouladuff Road, Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A solar photovoltaic panel array with a maximum export capacity of 20 Mega Watts, comprising up to 88,800 number solar panels on ground mounted steel frames, one number on site 38 kV substation (consisting of single storey substation control building, transformers, battery storage container and associated cabling and infrastructure), 20 number electrical transformer/inverter station modules, underground cable ducts, hardstanding areas, perimeter fencing and security gates, access tracks, CCTV and all associated site services and works on a site area of 43 hectares located in the townlands of Julianstown East, Julianstown West and Ninch, County Meath. Permission is sought for 10 years. The application is accompanied by a Natura Impact Statement.

## **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.**

### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

### **Reasons and Considerations**

Having regard to national and regional policy which supports the delivery of renewable energy, to the provisions of the Meath County Development Plan 2013 – 2019 which mirrors this policy at a local level, to the nature and scale of the proposed development, the continued agricultural use and to the stated environmental commitments, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities or the landscape character of the area, would not lead to a risk of flooding of adjoining lands, would not seriously injure the residential amenities of nearby dwellings, would be acceptable in terms of traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had regard to the nature, scale and location of the proposed development, the documentation including submissions on file, and the Inspector's screening assessment.

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European Sites: the River Boyne and River Blackwater Special Protection Area (Site Code 004232), the Boyne Estuary Special Protection Area (Site Code 004080), the River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) and the Clogher Head Special Area of Conservation (Site Code 001459).

### **Appropriate Assessment**

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment in respect of the subject development, in relation to the remaining European sites identified by the Inspector, that is, the River Nanny Estuary and Shore Special Protection Area (Site Code 004158) and the Boyne Coast and Estuary Special Area of Conservation (Site Code 001957). Having regard to the nature, scale and location of the development, the documentation including submissions on file, the Natura Impact Statement submitted by the applicant, and the Inspector's report, the Board undertook an Appropriate Assessment in relation to the effects of the development on these two European sites in view of their conservation objectives. The Board concurred with the analysis and conclusions of the Inspector and adopted her report. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, and having regard to the mitigation measures outlined by the applicant, would not adversely affect the integrity of the River Nanny Estuary and Shore Special Protection Area (Site Code 004158) and the Boyne Coast and Estuary Special Area of Conservation (Site Code 001957), in view of the conservation objectives of these sites.

## 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 submitted to the planning authority on the 22<sup>nd</sup> day of December 2016, 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 development and the development shall be carried out and completed in accordance with the agreed particulars.

**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 proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. (a) This permission shall be for a period of 25 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.
- (b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, substation, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

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

**Reason:** To enable the planning authority to review the operation of the solar array in the light of the circumstances then prevailing.

- 4. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

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

- 5. The proposed development shall be undertaken in compliance with all environmental commitments and mitigation measures included in the documentation supporting the application.

**Reason:** To protect the environment.

- 6. (a) Existing field boundaries shall be retained, and new planting undertaken in accordance with commitments made in Section 12.3 of the Environmental Report submitted with the planning application and further information received by the planning authority on the 22<sup>nd</sup> day of December, 2016. Revised drawings indicating existing and proposed landscaping, including augmentation of existing boundary trees and hedgerows, new planting taking into account the eastern boundary where currently no hedgerow exists for part and any trees or planting proposed to be removed, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

- (b) All landscaping, including augmentation of existing boundary trees and hedgerows, shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm, as set out in condition 3 of this Order, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of biodiversity, the visual amenities of the area, and the amenities of dwellings in the vicinity.

7. The inverter/transformer stations shall be dark green in colour. The external walls of the proposed substation shall be finished in a neutral colour such as light grey or off-white; the roof shall be of black slates or tiles.

**Reason:** In the interest of the visual amenity of the area.

8. (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- (c) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.
- (d) The solar panels shall have driven or screw pile foundations only.
- (e) Cables within the site shall be located underground.

**Reason:** In the interest of clarity, of visual and residential amenity, traffic safety, and to allow wildlife to continue to have access to and through the site.

9. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
  - (a) Engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site which shall include the results of an archaeological geophysical survey across the development site. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.
  - (b) The archaeologist should carry out any relevant documentary research and inspect the site. Test trenches may be excavated at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings and the geophysical survey.
  - (c) A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) details of site security fencing and hoardings,
  - (b) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
  - (c) measures to obviate queuing of construction traffic on the adjoining road network,
  - (d) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
  - (e) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
  - (f) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,
  - (g) details of on-site re-fuelling arrangements, including use of drip trays,
  - (h) details of how it is proposed to manage excavated soil, and
  - (i) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water drains or watercourses.



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

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

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads that may be damaged by construction transport coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the reinstatement of public roads that may be damaged by construction transport.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site 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 developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

