



An
Bord
Pleanála

Board Order
PL 17.248146

Planning and Development Acts 2000 to 2018

Planning Authority: Meath County Council

Planning Register Reference Number: LB/160898

Appeal by Bernard and Judith Cullen and others care of David Mulcahy Planning of 67 The Old Mill Race, Athgarvan, Newbridge, County Kildare against the decision made on the 10th day of February, 2017 by Meath County Council to grant permission to Highfield Solar Limited care of Bamford and Bonner of 127 Lower Baggot Street, Dublin for development comprising permission for a period of 10 years to construct and complete the development of a Solar PV Energy development with a total site area of 150.29 hectares, to include two electrical substation buildings and associated compounds, electrical transformer and inverter station modules, storage modules, Solar PV panels ground mounted on support structures, access roads and internal access tracks, spare parts storage container, fencing, electrical cabling and ducting, including undergrounding of existing electrical cabling, CCTV and other ancillary infrastructure, additional landscaping and habitat enhancement as required and associated site development works at Garballagh, Thomastown, Gillinstown and Downestown, Duleek, County Meath in accordance with the plans and particulars lodged with the said Council. The proposed development was revised by further public notices received by the planning authority on the 20th day of January, 2017.

Decision

GRANT permission for the western solar array and associated development in the townlands of Garballagh, Thomastown and Gillinstown (Site 1) in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the eastern solar array and associated development in the townland of Downestown (Site 2) based on the reasons and considerations marked (2) under

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 (1)

Having regard to the provisions of national and regional policy objectives in relation to renewable energy, the provisions of the Meath County Development Plan 2013–2019, the nature and scale of the proposed development, and the continued agricultural use and improved biodiversity which would result, it is considered that, subject to compliance with the conditions set out below, the reduced scale of development of the western array in the townlands of Garballagh, Thomastown and Gillinstown (Site 1) would support national and regional renewable energy policy objectives, would not conflict with the provisions of the development plan, would not seriously injure the residential amenities of property in the vicinity, would not have unacceptable impacts on the visual amenities of the area, would not result in a serious risk of pollution, would be acceptable in terms of traffic safety and convenience, and 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 amended by the further plans and particulars submitted to the planning authority on the 20th day of January, 2017, by the further plans and particulars received by An Bord Pleanála on the 5th day of June 2018, 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 ten years from the date of this Order.

Reason: In the interest of clarity.

3. (a) The 110kV substation and associated infrastructure located on site 1 shall be omitted. Any proposal for a substation and associated infrastructure to serve the proposed development shall form part of a separate planning application to the planning authority or the Board, as appropriate.

(b) 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.

4. (a) All structures including foundations hereby authorised shall be removed not later than 25 years from the date of commissioning of the development, and the site reinstated unless planning permission has been granted for their retention for a further period prior to that date.
- (b) Prior to commencement of development, a detailed restoration plan, 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. 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 farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

5. The proposed development shall be undertaken in compliance with all environmental commitments made in the documentation supporting the application.

Reason: To protect the environment.

6. (a) The landscaping proposals shall be carried out within the first planting season following commencement of construction of the solar PV array. All existing hedgerows (except at access track openings) shall be retained. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
- (b) Upon commissioning of the development and for a period of two years following first operation, the developer shall provide detailed glint surveys on an annual basis to the planning authority in order to confirm that glint and glare is consistent with the “Glint and Glare” Assessment received by An Bord Pleanála on the 5th day of June 2018.

Reason: To mitigate any glint and glare impact from the proposed development upon adjoining residential amenities.

7. The inverter/transformer stations, storage module and all fencing shall be dark green in colour.

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, unless otherwise authorised by a separate grant of planning permission.
 - (e) Cables within the site shall be located underground.

Reason: In the interest of clarity, of visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

9. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any 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 hours of working, noise management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste. The plan shall also include a construction method statement to ensure the avoidance of impacts on badgers and otters.

Reason: In the interests of public safety, protection of ecology and residential amenity.

11. 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 and services.

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

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 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.

13. 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.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Reasons and Considerations (2)

1. Having regard to the elevated and open nature of the site of the proposed eastern solar array in the townland of Downestown and its position on agricultural lands immediately abutting zoned lands within the development boundary of Duleek, it is considered that this section of the proposed solar farm development would form a prominent and obtrusive feature in the landscape, and that the portion of the proposed development within the Downestown site would adversely impact the rural character of the area, seriously injure the visual amenities of the area and conflict with objective LC OBJ 5 of the Meath County Development Plan 2013–2019, which seeks to preserve protected views from development that would interfere with the character and visual amenity of the landscape. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

