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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: RA/170644**

**Appeal** by Pádraig Kehoe and Anne Marie Macken of Kilrue, Kilbride Road, County Meath and by others against the decision made on the 30<sup>th</sup> day of January, 2018 by Meath County Council to grant subject to conditions a permission to JBM Solar Developments Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** 10 year permission for the construction of a Solar PV Energy Development comprising Solar Photovoltaic (PV) panels on ground mounted frames/support structures within existing field boundaries; underground cabling and ducting; 24 number inverter/transformer stations; 24 number HV Cabins; two number electricity control buildings; one number communications cabin; site perimeter (stock proof) security fencing (circa 85.3 hectares); CCTV security cameras; site access tracks; landscaping; and all associated site development works. Two temporary construction compounds will also be provided, one to each side of the site on a site of circa 95.3 hectares in the Townlands of Fidorfe, Grange and part of Rathoath Manor,

County Meath as revised by the further public notices received by the planning authority on the 4<sup>th</sup> day of January, 2018.

## **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 local policy support for developing renewable energy, in particular the Government's Strategy for Renewable Energy, 2012-2020, the National Planning Framework, 2018 and EC POL 1-4 and EC OBJ 3 of the Meath County Development Plan, 2013-2019, to the location of the proposed development within The Ward Lowlands Landscape Character Area, the Board considered that the proposed development, subject to compliance with the conditions set out below (in particular the landscape screening mitigations) would not have a significant adverse effect on the character of the landscape, would not seriously injure the visual and residential amenities of the area and would not pose a risk to traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted that the proposed development was located within the Ward Lowlands Landscape Character Area, which is designated as a low value landscape of high sensitivity and that objective LC OBJ 1 of the Meath County Development Plan, 2013-2019, seeks to ensure the presentation of the uniqueness of all landscape character types and to maintain the visual integrity of areas of exceptional value and high sensitivity. However, the Board also noted the broad policy support for renewable energy strategies in the development plan and considered that, subject to compliance with the landscape mitigation conditions set out below, that the proposed development, which was relatively low in scale, could be adequately screened so as to ensure that the proposed development would not seriously injure the visual amenities of the area. In doing so the Board concurred with the views of the planning authority that the proposed development did not contravene Objective LC OBJ 1 and would, therefore, in accordance with the proper planning and sustainable development of the area.

In considering the potential negative glint and glare impacts on users of the Kilbride Road (R.1007), the Board also considered that the retention of existing boundaries and hedgerows augmented by extensive landscape screening and mitigation along the boundary of the road would also mitigate these impacts. The Board therefore considered that the proposed development would not endanger public safety by reason of a traffic hazard and that the proposed development would 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 on the 15th day of December, 2017 and the 4th day of January, 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 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) The 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 farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

- 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. A Hedgerow Survey Report shall be prepared by a competent specialist detailing hedgerow heights and maturity and which confirms the proposed mitigation measures as detailed in Drawing Number LMPO1, submitted to the planning authority on the 9<sup>th</sup> day of June 2017, have been achieved. The report shall be submitted to and agreed in writing with the planning authority, in advance of any PV panels arriving on site. No PV panel shall be erected on site pending receipt of written confirmation from the planning authority that it is in order to do so.

**Reason:** In the interests of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

6. (a) Existing field boundaries shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the Landscape Mitigation Plan submitted with the planning application.
- (b) All landscaping 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 by this permission, 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.
- (c) A detailed long-term Landscape Maintenance and Management Plan shall be submitted to and agreed in writing with the planning authority to ensure that hedgerows are maintained at the required heights, that there are no gaps, that dead or dying trees and hedgerows are immediately removed and replaced, and that there is no excessive trimming/pruning which would leave the hedgerows below the required screening levels.

**Reason:** In the interests of biodiversity, the visual amenities of the area, and the residential amenities of property in the vicinity.

7. (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) Cables within the site shall be located underground.
- (d) 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 and the roof shall be of black slate or tiles.

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

- 8. Before construction commences on site, details of the structures of the security fence showing provision for the movement of mammals at regular intervals along the perimeter of the site shall be submitted for prior approval to the planning authority. This shall be facilitated through the provision of mammal access gates designed generally in accordance with standard guidelines for provision of mammal access (NRA 2008).

**Reason:** To allow wildlife to continue to have access across the site, in the interest of biodiversity protection.

- 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) 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, and
  - (b) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall further assess the site

(including geophysical survey and archaeological testing) in the areas where geophysical survey and testing has not already been carried out.

The assessment shall address the following issues:

- i. the nature and location of archaeological material on the site, and
- ii. the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment (including proposals for appropriate buffer zones to ensure the preservation of the archaeological field system (RMP No. ME045-019), the potential bawn, and any further sites that may be identified in the course of the further geophysical survey and archaeological testing) 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 and/or archaeological monitoring) 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 but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

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

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 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.

12. 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.

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**Maria FitzGerald**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2018.**