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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: AA/180383**

**Appeal** by Margaret Farrelly and others of Kilbrew, Ashbourne County Meath and by Clódagh O’Sullivan and James Muldowney of Kilbrew, Ashbourne, County Meath against the decision made on the 7<sup>th</sup> day of June, 2018 by Meath County Council to grant subject to conditions a permission to Power Capital Renewable Energy Limited care of IMG Planning Limited of 75 Fitzwilliam Lane, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** A 10 year permission for development on lands in the townland of Irishtown, Kilbrew, County Meath. The development will consist of the construction of an up to 8.7 MW solar PV farm comprising approximately 27,800 number photovoltaic panels on ground mounted frames within a site area of 10.82 hectares and associated ancillary development including eight number transformer stations, eight number auxiliary transformer stations, eight number inverters, one number single storey storage building, one number single storey communications building, one number single storey client building, three number CCTV security cameras mounted on four metre high poles and perimeter security fencing (two metres high); one number single storey client side substation (DNO) and one number CCTV security

camera mounted on a four metre high pole on a 0.04 hectare site on the eastern side of the landholding to the east of the area of the photovoltaic panels; the construction of a vehicular access from the adjoining L5003-44 road and the construction of a hardcore access track between the area of the photovoltaic panels, the client side substation and the proposed road access point (0.19 hectares).

## **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 the nature and scale of the proposed development, to the suitability of the aspect and topography of the site, the pattern of development in the vicinity, to the national and regional policy support for renewable energy and to the provisions of the Meath County Development Plan 2013-2019, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities, landscape character, or cultural or archaeological heritage of the area, would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of public health, 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, 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 considers 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 arrays. The solar arrays 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 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. 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. 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) engage the services of a suitably qualified archaeologist (licenced under the National Monuments Acts 1930-2004) to carry out further geophysical survey and pre-development testing on the areas of the site where geophysical survey and testing have not already been carried out. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent,
- (b) the archaeologist is required to notify the Department of Culture, Heritage and the Gaeltacht in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work,

- (c) the archaeologist shall carry out any relevant documentary research and may excavate trenches at locations chosen by the archaeologist, having consulted the proposed development plans,
- (d) having completed the work, the archaeologist shall submit a written report to the planning authority and the Department of Department of Culture, Heritage and the Gaeltacht,
- (e) where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the Department of Culture, Heritage and the Gaeltacht will advise the developer with regard to these matters, and
- (f) no site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority in consultation with the Department of Culture, Heritage and the Gaeltacht.

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

7. Details of the materials, colours, textures and finishes to the ancillary structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**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) Cables within the site shall be located underground.
  - (d) The inverter/transformer stations shall be dark green in colour.
  - (e) 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 visual and residential amenity.

9. Detailed glint and glare surveys shall be submitted to the planning authority following commissioning and on an annual basis for a period of two years. In the event that the development, once installed, gives rise to negative effects to properties, traffic or aircraft operations, the applicant shall implement appropriate measures to reduce such affects to an acceptable level of safety. This shall be subject to the prior written agreement of the planning authority.

**Reason:** In the interests of residential amenity and road and air traffic safety.

10. (a) The construction of the development shall be managed in accordance with a Construction Environmental 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.
- (b) During construction, traffic shall be managed in accordance with a Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard, details of the haul route shall meet the requirement of the planning authority.

**Reason:** In the interests of traffic management and road safety, residential amenity and protection of the environment.

11. All screen planting 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 within five years from planting 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 and the visual amenities of the area.



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 upon 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 the satisfactory reinstatement of the site upon cessation of the project.

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.

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**Chris McGarry**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**