



Planning and Development Acts 2000 to 2018

Planning Authority: Meath County Council

Planning Register Reference Number: LB/180570

Appeal by Panda Power care of MacCabe Durney Barnes of 20 Fitzwilliam Place, Dublin against the decision made on the 24th day of July, 2018 by Meath County Council to refuse permission for the proposed development.

Proposed Development: A solar farm with an export capacity of approximately 3 Mega Watts comprising photovoltaic panels on ground mounted frames, a single-storey ESB MV sub-station/switch room building, installation of three number transformers, ducting and underground electrical cabling, perimeter fencing pole mounted CCTV cameras, upgrading of existing vehicle entrance, provision of internal access track and all associated ancillary works and services at Newtown, Beauparc, Navan, County Meath. This application is for a 10 year permission.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations 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 provisions of the Meath County Development Plan 2013-2019 and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or would not give rise to a traffic hazard. 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, 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. 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.

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 developer shall comply with the following landscaping requirements:
 - (a) Existing field boundaries along the N2 shall be retained, except at the proposed entrance and new planting undertaken. Revised drawings, indicating existing and proposed landscaping, including augmentation of existing boundary trees and hedgerows, new planting, taking into account the western boundary where a low hedgerow exists 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 carried out to the written satisfaction of the planning authority prior to the first operation/commissioning of the solar farm. 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, the visual amenities of the area, and the amenities of dwellings in the vicinity.

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

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

7. The developer shall comply with the following technical requirements:
- (a) No artificial lighting shall be installed or operated on site unless authorised by a separate and 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) 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 in line with National Road Authority's standard guidelines for mammal access (2008), shall be submitted to, and agreed with the planning authority.
 - (d) The solar panels shall have driven or screw pile foundations only, unless otherwise agreed in writing with the planning authority.
 - (e) Cables within the site, other than the existing powerline that crosses 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.

8. The developer shall comply with the following restoration requirements:

- (a) 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, CCTV cameras, fencing and site access, shall be submitted to, and agreed in writing with, the planning authority.
- (b) On full or partial decommissioning of the solar array, or if the solar array ceases operation for a period of more than one year, the site shall be restored and structures removed in accordance with this plan within three months of decommissioning/cessation, to the written satisfaction of the planning authority.

Reason: To ensure the satisfactory reinstatement of the site on full or partial cessation of the proposed development.

9. The developer shall comply with the following archaeological requirements:
- (a) Pre-development archaeological testing shall be undertaken by a suitably qualified archaeologist, licensed under the National Monuments Acts 1930-2004. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her written consent.
 - (b) 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. A copy of the report shall be submitted to the Department of Culture, Heritage and the Gaeltacht.

- (c) The planning authority and the Department of Culture, Heritage and the Gaeltacht shall be notified in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.

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 a traffic management plan, intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

- 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 the 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. The application of any indexation required by this condition 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.

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.

Dave Walsh

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

Dated this day of 2019.