



An  
Bord  
Pleanála

**Board Order**  
**ABP-308490-20**

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: TA/201048**

**Appeal** by Andrea O'Brien and Bruno Simoes of New Haggard, Trim, County Meath against the decision made on the 25<sup>th</sup> day of September, 2020 by Meath County Council to grant subject to conditions a permission to Friarspark Solar Limited care of Bioxl Limited of Broombridge Business Centre, 288 Bannow Road, Cabra, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The development will consist of a proposed extension to the approved solar farm under planning register reference number TA/180167. The proposed extension will comprise of photovoltaic panels with a surface area of approximately 28,000 square metres mounted on steel support structures, with associated infrastructure including five number transformer cabins, inverters, temporary construction compound, ducting and electrical cabling, site entrance, boundary security fencing, mounted CCTV cameras, internal access tracks and ancillary works. The solar PV arrays will have a height of up to three metres and an additional export electrical capacity of up to four megawatts, all in the townland of Friarspark (6<sup>th</sup> Division), Trim, County Meath. An appropriate period of 10 years (that is, the duration of the planning permission to construct the development) is sought, with an operational life of 30 years after the date of commissioning.

## **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 policy and the provisions of the Meath County Development Plan 2013-2019, as varied, in respect of renewable energy, the location, nature and scale of the proposed development, including the temporary nature 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 biodiversity of the area or the residential amenities of nearby dwellings and would be acceptable in terms of public health. 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.
  - (a) The solar farm permitted under planning authority register reference number TA/180167 and the subject development permitted here shall constitute a single planning unit with an output of 8MW unless otherwise agreed in writing with the planning authority.
  - (b) The development hereby permitted shall comply with the conditions set out in the governing parent permission granted under planning authority register reference number TA/180167, except as may otherwise be required in order to comply with the conditions of this permission.
  - (c) This permission and the governing parent permission shall expire on the 22<sup>nd</sup> day of May 2028.

**Reason:** In the interest of clarity and 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. Prior to commencement of development, the vehicular access, including visibility splays shall be implemented to the written satisfaction of the planning authority.

**Reason:** In the interest of traffic safety.

4. Traffic movements shall be restricted to a maximum of twenty (20) per day.

**Reason:** In the interest of traffic safety.

5. Prior to commencement of development, a Construction Stage Traffic Management Plan shall be submitted to the planning authority for written agreement. This shall include arrangements for pre and post construction survey of the public road for a distance of 100 metres either side of the proposed access point and any necessary repair works.

**Reason:** In the interest of traffic safety.

6.
  - (a) Prior to commencement of development, a landscape plan shall be submitted to the planning authority for written agreement, showing augmentation of the vegetation on the northern, eastern and southern boundaries of the site and provision of vegetation along the western and south eastern boundaries.
  - (b) All landscaping shall take place in the first planting season upon commencement of the development.
  - (c) Landscaping and screening shall be maintained in accordance with the stated ecological mitigation measures.

- (d) 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.

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

7. The permission shall be for a period of 25 years from the date of the commissioning of the solar array.

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

8. For the duration of the development, solar panels shall be maintained in good order, to the satisfaction of the planning authority. Any panels that fail shall be removed in accordance with the construction and demolition management plan.

**Reason:** In the interest of public health and biodiversity.

9. (i) 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.

- (ii) 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 ensure the satisfactory reinstatement of the site on full or partial cessation of the proposed development.

- 10. Construction waste shall be managed in accordance with a construction waste management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

- 11. Prior to commencement of development, the developer shall submit to the planning authority for written agreement:
  - (i) Detailed arrangements for the management of the biodiversity of the site over the operational phase of the development.

- (ii) Arrangements for the protection of badger setts during construction and operation.
- (iii) An annual report on the implementation and effectiveness of conservation and bio-diversity measures shall be submitted to the planning authority and kept on the public file.

**Reason:** In the interest of biodiversity and to conserve archaeological heritage of the area.

12. (i) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission, with the exception of emergency lighting for the electricity sub-station compound. The emergency lighting shall only be illuminated in emergency circumstances for the repair or maintenance of the substation.
- (ii) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- (iii) Cables within the site shall be located underground.

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

13. Prior to commencement of development, details of arrangements to identify and protect the archaeological exclusion zone during construction works, shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of clarity and conserve the archaeological heritage of the site.

14. 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 preservation, recording and/or 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.

15. 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.

16. 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.



**Terry Prendergast**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board**

Dated this *24<sup>th</sup>* day of *May* 2021