



An
Bord
Pleanála

Board Order
ABP-309401-21

Planning and Development Acts 2000 to 2021

Planning Authority: Meath County Council

Planning Register Reference Number: KA/200934

Appeal by Eco Advocacy of Trammon, Rathmolyon, Enfield, County Meath against the decision made on the 11th day of January, 2021 by Meath County Council to grant subject to conditions a permission to Gorman Solar Farm Limited care of Neo Environmental of Unit 3, The Courtyard Business Park, Galgorman Castle, Ballymena, Northern Ireland in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for a period of 10 years to construct and complete a solar PV development with a total site area of circa 49.5 hectares to include a single storey electrical substation, electrical inverter transformer stations, new internal access tracks, underground cabling, perimeter fencing with CCTV cameras and access gates, site control room, spare parts containers, temporary construction compounds and all ancillary grid infrastructure and associated works at Graigs and Rathcoon, County Meath. The solar farm would be operational for 35 years. Further public notices were received in relation to the development by the planning authority on the 7th day of December 2020, and by An Bord Pleanála on the 28th day of July, 2021.

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

In coming to its decision, the Board had regard to the following:

- (a) the nature, scale and extent of the proposed development,
- (b) the national targets for a renewable energy contribution to the overall national grid,
- (c) the national and local policy support for developing renewable energy, in particular:
 - (i) the Government's Strategy for Renewable Energy, 2012-2020,
 - (ii) the National Planning Framework, 2018,
 - (iii) Delivering a Sustainable Energy Future for Ireland - the Energy Policy Framework, 2007-2020,
 - (iv) the Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure 2012,

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- (v) the Eastern and Midlands Region Regional Spatial & Economic Strategy,
 - (vi) the Meath County Development Plan 2021-2027,
- (d) the distance to dwellings or other sensitive receptors from the proposed development,
 - (e) the submissions on file, and
 - (f) the documentation submitted with the application and appeal, including the Natura Impact Statement as submitted to An Bord Pleanála on the 28th day of July 2021.

It is considered that the proposed development, subject to compliance with the conditions set out below, would not have an unacceptable impact on the character of the landscape or on the cultural or archaeological heritage, would not seriously injure the visual and residential amenities of the area, would be acceptable in terms of public health, traffic safety and convenience, would not have an unacceptable impact on the ecology, would make a positive contribution to Ireland's requirements for renewable energy, and would be in accordance with the Government's Strategy for Renewable Energy, 2012-2020, the National Planning Framework, 2018, and the Meath County Development Plan, 2021-2027. 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 recommended reason for refusal number 1 as set out by the Inspector relating to the inappropriate inclusion of mitigating measures within the screening report and the absence of a Natura Impact Statement, was addressed by the subsequent request by the Board for a Natura Impact Statement from the applicant, and the receipt of this from the applicant on the 28th day of July, 2021. Furthermore, the Board noted that the future grid connection does not form part of the proposed development and no



permission for such is granted. Notwithstanding this, the Board determined that the information submitted with the application is deemed sufficient to conclude that the potential effects of the future grid connection route as indicated in the application documentation will result in no change to the conclusions of the Appropriate Assessment undertaken and completed by the Board.

Appropriate Assessment Screening

The Board accepted and adopted the Inspector's screening assessment and conclusions and noted the content of the screening report prepared by the applicant and submitted with the application. The Board also accepted and adopted the findings of the Inspector with regard to the identification of the European sites which could potentially be affected by the proposed development, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the only European sites for which there is possibility of significant effects, and which must therefore be subject to Appropriate Assessment, are the River Boyne and River Blackwater Special Area of Conservation (site code:002299), and the River Boyne and River Blackwater Special Protection Area (site code:004232), in view of the sites' conservation objectives.

Appropriate Assessment

The Board considered the Natura Impact Statement submitted to An Bord Pleanála on the 28th day of July 2021, and all other relevant submissions. The Board also noted the commentary on the Natura Impact Statement set out in the Inspector's Addendum Report and considered in detail the impact of the

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proposed development on the River Boyne and River Blackwater Special Area of Conservation (site code:002299), and the River Boyne and River Blackwater Special Protection Area (site code:004232) in the context of the implementation of these measures.

The Board carried out an Appropriate Assessment of the implications of the proposed development for European Sites in view of the sites' Conservation Objectives for the River Boyne and River Blackwater Special Area of Conservation (site code:002299), and the River Boyne and River Blackwater Special Protection Area (site code:004232). The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best available scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- (i) site specific conservation objectives for these European Sites,
- (ii) current conservation status, threats and pressures of the qualifying interest features,
- (iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (iv) submissions on the file, and
- (v) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board was satisfied that, subject to compliance with the mitigation measures as set out in the submitted Natura Impact Statement, the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of these two European sites, in the light of their conservation objectives and qualifying interests and that there is no reasonable scientific doubt as to the absence of such effects.

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 November 2020, and the further information received by An Bord Pleanála on the 28th day of July 2021, 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. All of the mitigation measures set out in the submitted Natura Impact Statement shall be implemented in full.

Reason: To protect the environment.

3. The period during which this permission may be implemented shall be 10 years from the date of this Order.

Reason: In the interest of clarity.

4. The permission shall be for a period of 35 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.

5. 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.

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 engage the services of a suitably qualified archaeologist (licenced under the National Monuments Acts 1930-2004) to carry out test trenching targeting specifically those anomalies highlighted by the geophysical report, submitted to the planning authority on the 20th day of November 2020.
 - (a) The archaeologist is required to notify the Department of Housing, Local Government and Heritage for consideration 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.

- (b) 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.
- (c) Having completed the work, the archaeologist shall submit a written report to the planning authority and the Department of Housing, Local Government and Heritage for consideration.
- (d) 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 Housing, Local Government and Heritage will advise the developer with regard to these matters.
- (e) 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 Housing, Local Government and Heritage.

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

7. The proposed development shall be undertaken in compliance with all environmental commitments made in the documentation supporting the application. In particular all of the relevant measures to protect surface water from contamination, proposed in relation to the construction and decommissioning phases of the proposed development, shall apply to the installation and decommissioning of any associated cable outside the site.

Reason: To protect the environment.

8. 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:
 - (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
 - (b) Location of areas for construction site offices and staff facilities,
 - (c) Details of site security fencing and hoardings,
 - (d) Details of on-site car parking facilities for site workers during the course of construction,
 - (e) Details of the timing of construction traffic to and from the construction site and associated directional signage,
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network,
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,

- (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (i) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- (j) Off-site disposal of construction waste, and
- (k) Construction hours shall not to extend beyond 0800 to 1800 hours Monday to Friday and 0800 to 1400 hours on Saturdays. No construction work shall take place on Sundays and public holidays.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

- 9. Details of 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.

- 10. CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the public road.

Reason: In the interest of the amenities of the area and of property in the vicinity.

11. Cables within the site shall be located underground.

Reason: In the interest of visual amenity.

12. 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 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.

13. Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, shall be submitted to, and agreed in writing with, the planning authority. 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, including access roads, shall be restored and structures removed in accordance with the said 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.

14. Prior to commencement of any work on site, the developer shall complete all works at the proposed access points to achieve the required sightlines. The public road shall be maintained clean and free of any dirt or debris created as a result of the proposed development.

Reason: In the interest of traffic safety.

15. The developer shall complete a pre and post construction survey of local road L-74163 from its junction with the R163 to the N51.

Reason: In the interest of traffic safety.

16. The developer shall implement the mitigation measures identified in section 5.41 of the construction traffic management plan to the satisfaction of the planning authority.

Reason: In the interest of traffic safety.

17. The developer shall ensure that all mitigation measures listed and recommendations arising from the Navan Airfield Glint and Glare Assessment are implemented in full to the satisfaction of the planning authority.

Reason: In the interest of the proposed planning and sustainable development of the area.

18. The developer shall fully implement the mitigation measures in the Glint and Glare Assessment (section 7.106 and 7.107) to reduce the risk of exposure to "none". The developer shall complete a post construction Glint and Glare inspection and survey from local receptors to ensure that there is no risk to motorists on the public road.

The findings of the inspection and survey shall be submitted in the form of a report to the planning authority for review following Year 1, and any subsequent year if when Glint and Glare issues arise. The developer shall agree with the planning authority any remedial works, if required, where Glint and Glare issues arise during the life of the project.

Reason: In the interest of traffic safety

19. Prior to the commencement of any work on site, the developer shall submit proposals/details, including locations, for pull in passing bays along the L-74163 to facilitate HGV traffic generated by the proposed development, to the planning authority for prior written agreements.

Reason: In the interest of traffic safety.

20. (a) The developer shall ensure that there is no development within 10 metres of all drainage channels and rivers for which the Office of Public Works are responsible, in order to facilitate access and maintenance of same, unless otherwise agreed in writing with the Office of Public Works and this written agreement shall be submitted to the planning authority in advance of commencement of works on the site.

- (b) All access tracks located in Flood Zones A and B shall not be raised above the local ground level so as not to remove any flood plain storage or block any flow paths. Access tracks within Flood Zones A and B shall be delineated with a marker pole which shows the depths of flood waters. Details in this regard shall be submitted to the planning authority for written agreement prior to commencement of development.
- (c) Any gates at watercourse crossings shall not impact the flow of water in a 1 in 100-year or 1 in 1,000-year flood event. Details of all such gates shall be submitted to the planning authority for written agreement prior to commencement of development.
- (d) Any fencing within Flood Zones A and B shall be limited to deer fencing and any fencing crossing the watercourse shall not extend into the watercourse. Details of all such proposed fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
- (e) Any proposed alterations to a culvert or crossing on the existing watercourse shall require a section 50 consent from the Office of Public Works. Details in this regard shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of flood risk prevention.

21. 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.

22. 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.

23. 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



Chris McGarry

Member of An Bord Pleanála

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

Dated this 5th day of January 2022.