

An  
Bord  
Pleanála

Board Order  
ABP-311066-21

---

**Planning and Development Acts 2000 to 2021**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: 21/180**

**Appeal** by Eco Advocacy of Trammon, Rathmoylon, Enfield, County Meath against the decision made on the 13<sup>th</sup> day of July, 2021 by Meath County Council to grant subject to conditions a permission to Energia Solar Holdings Limited care of Neo Environmental of Unit 3, The Courtyard Business Park, Galgorm Castle, Ballymena, County Antrim in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development will consist of permission for a Solar PV Energy Development with a total site area of 82.5 hectares, to include solar panels mounted on steel support structures, associated cabling and ducting, 21 number MV power stations, seven number battery storage containers, one number temporary construction compound, access tracks, hardstanding area, boundary security fencing and security gates, CCTV, landscaping and ancillary works on lands including Mullinam, Paddock and Loughlinstown, Ratoath, County Meath. Further public notices were received by An Bord Pleanála on the 30<sup>th</sup> day of September, 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.**

## Reasons and Considerations

Having regard to:

- (a) the European, national, regional, and county level support for renewable energy development such as:
  - (i) the Government's Climate Action Plan 2021, as updated,
  - (ii) the Government's Project Ireland 2040 National Planning Framework,
  - (iii) the Regional Spatial and Economic Strategy 2019-2031, published by the Eastern and Midland Regional Assembly,
  - (v) the Meath County Development Plan 2021-2027,
- (b) the nature, scale, and extent of the proposed development,
- (c) the documentation submitted with the application, including the Natura Impact Statement (received by An Bord Pleanála on the 6<sup>th</sup> day of September, 2021), the Planning Statement and appendices, and the Outline Construction Environmental Management Plan,
- (d) the nature of the landscape and absence of any specific conservation or amenity designation for the site,

- (e) the mitigation measures proposed for construction, operation, and decommissioning of the site, and
- (f) the submissions on file including those from prescribed bodies, the planning authority, and other third parties,

it is considered that, subject to compliance with the conditions set out below, the proposed development, would be in accordance with the European, national, and regional renewable energy policies and the provisions of the Meath County Development Plan 2021-2027, would not seriously injure the visual or residential amenities of the area, or otherwise, of property in the vicinity, would not interfere with a protected view and prospect of importance, or have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not have a significant adverse impact on ecology, would be acceptable in terms of traffic safety and convenience, and would make a positive contribution to Ireland's renewable energy requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development, the information for the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites other than Malahide Estuary Special Area of Conservation (site code 000205) and Malahide Estuary Special Protection Area (site code 004025) which are the European sites for which the proposed development has the potential to have a significant effect and must, therefore, be subject to Appropriate Assessment.

## **Appropriate Assessment Stage 2**

The Board considered the Natura Impact Statement received by An Bord Pleanála on the 6<sup>th</sup> day of September, 2021 and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development on Malahide Estuary Special Area of Conservation (site code 000205) and Malahide Estuary Special Protection Area (site code 004025), in view of the sites' conservation objectives. 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:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of Malahide Estuary Special Area of Conservation (site code 000205) and Malahide Estuary Special Protection Area (site code 004025) in view of the sites' conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse 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 on the 18<sup>th</sup> day of June 2021, and the Natura Impact Statement submitted to An Bord Pleanála on the 6<sup>th</sup> day of September 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. 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 development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. (a) 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 the operation of the proposed development 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, control building, 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. All of the environmental, construction, ecological and heritage-related mitigation measures, as set out in the Technical Appendices, including the Ecological Impact Assessment, the Outline Construction Environmental Management Plan, the Archaeology and Architectural Heritage Impact Assessment, the Flood Risk and Drainage Impact Assessment and the Natura Impact Statement, and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

**Reason:** In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.

6. (a) No artificial lighting shall be installed or operated on the 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 battery storage containers and MV power stations shall be dark green or grey in colour.

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



7. Prior to the commencement of development, details of the structure of the security fence showing provision for the movement of mammals at regular intervals using mammal gates or underpasses along the perimeter of the site, shall be submitted for prior approval to the planning authority.

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

8. Prior to commencement of development, an Archaeological Impact Assessment of the site shall be compiled as follows:
  - (a) a suitably-qualified archaeologist shall be employed to carry out an archaeological assessment of the development site. The assessment will include the results of an archaeological geophysical survey. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.
  - (b) The archaeologist shall carry out any relevant documentary research and inspect the site. Test trenches may be excavated at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings.
  - (c) Having completed the work, the archaeologist shall submit a written report to the planning authority and to the National Monuments Service in advance of the commencement of construction works. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

- (d) If significant archaeological remains are found, further monitoring or excavation may be required, construction shall not commence until the planning authority and the Department of Housing, Local Government and Heritage have had the opportunity to evaluate the Archaeological Assessment. 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.

9. (a) The landscaping scheme shown on drawing numbers NEO00679I\_027\_01\_A, NEO00679I\_027\_02\_A and NEO00679I\_027\_03\_A, as submitted to the planning authority on the 18<sup>th</sup> day of June, 2021 shall be carried out within the first planting season following commencement of development.
- (b) Landscaping and planting shall be carried out in accordance with details contained in the Biodiversity Management Plan submitted to the planning authority on the 3<sup>rd</sup> day of February, 2021.
- (c) All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

10. The construction of the development shall be managed in accordance with a Construction and 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:
- (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 and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
  - (f) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
  - (g) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
  - (h) 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,

- (i) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (j) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains,
- (k) disturbance of riparian habitats shall be minimised, a buffer of 10 metres minimum to river banks should be maintained. Riparian vegetations should be retained in as natural stated as possible at all times,
- (l) short-term storage and removal/disposal of excavated material must be considered and planned to minimise pollution including drainage from topsoil storage area to be directed to a settlement area as necessary,
- (m) details of an invasive species and biosecurity plan to treat and manage invasive species on site, and
- (n) hours of construction.

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 interests of amenities, public health, and safety.

11. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall otherwise comply with Technical Appendix 4: Flood Risk and Drainage Impact Assessment submitted to the planning authority on the 3<sup>rd</sup> day of February, 2021.
- (b) Any cable-laying crossings of watercourses shall be trenchless and subject to an agreed method statement with the planning authority subsequent to consultation with Inland Fisheries Ireland. No deleterious material shall discharge to any watercourse.

**Reason:** In the interests of public health and environmental protection.

12. All road surfaces, culverts, watercourses, verges, and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority at the developer's expense. Prior to commencement of development, a road condition survey shall be carried out to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

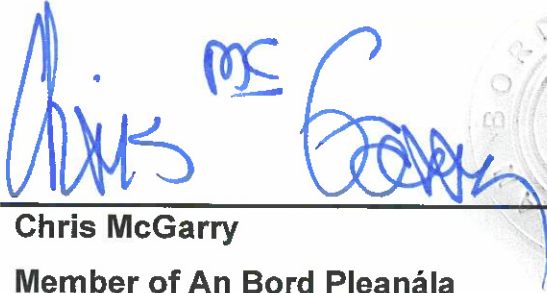
**Reason:** In order to ensure a satisfactory standard of development.

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 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.

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.

  
Chris McGarry

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

Dated this 31<sup>st</sup> day of May 2022.