

Planning and Development Acts 2000 to 2021

Planning Authority: Meath County Council

Planning Register Reference Number: 21/837

Appeal by Eco Advocacy CLG of Trammon, Rathmoylan, Enfield, County Meath and by Others against the decision made on the 6th day of October, 2021 by Meath County Council to grant subject to conditions a permission to Kilrue Solar Park Limited care of Entrust Limited of Unit 1D, Deerpark Business Centre, Oranmore, County Galway in accordance with plans and particulars lodged with the said Council:

Proposed Development: A 10-year planning permission for the construction of, and a 40-year operation and subsequent decommissioning of, a development consisting of a 265.8 hectare solar farm. The proposed solar farm will consist of a series of ground mounted solar photovoltaic (PV) panels, mounted on steel support structures and in some areas of potential archaeological remains on concrete blocks/shoes, together with 58 number electrical transformation enclosures, a temporary construction compound, underground cabling, inverters, CCTV poles and cameras, deer type security/boundary fencing, landscaping and biodiversity measures and all associated ancillary development works, for the purpose of generating renewable energy electricity, all at Kilrue, Fleenstown Great, Peacockstown

and Harlockstown Townlands, Kilbride, County Meath. The proposed development was revised by further public notices received by the planning authority on the 12th day of August, 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) European, national, regional, and county level support for renewable energy development, including in particular:
 - (i) the national policy in support of renewable energy (including solar) set out in the relevant policy including in particular Project Ireland 2040 – the National Planning Framework and the Climate Action Plan 2021 (current version),
 - (ii) the Regional Spatial and Economic Strategy for the Eastern and Midlands Region (2019-2031), and
 - (iii) the provisions of the Meath County Development Plan 2021-2027,
- (b) the nature, scale and location of the proposed development,
- (c) the documentation submitted with the planning application and appeal, including the environmental reports,

- (d) the nature of the receiving landscape,
- (e) mitigation measures proposed for the construction, operation, and decommissioning of the site,
- (f) the submissions on file including those from prescribed bodies, and the planning authority, and
- (g) the report and recommendation of the Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would support national and regional renewable energy policy objectives, would not conflict with the provisions of the development plan, would not seriously injure the landscape character or the visual amenities of the area, would not adversely affect the archaeological or natural heritage, would not lead to an increased risk of flooding within the site or on adjoining lands, would not seriously injure the residential amenity of nearby dwellings, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Stage 1

The Board considered the Screening Report for Appropriate Assessment, the Natura Impact Assessment and all the other relevant submissions and carried out both an Appropriate Assessment screening exercise and an Appropriate Assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Malahide Estuary Special Area of Conservation (Site Code: 000205) and the Malahide Estuary Special Protection Area (Site: Code: 004025) are the only

European Sites for which there is a possibility of significant effects as a result of the proposed development and must therefore be subject to Appropriate Assessment.

Appropriate Assessment Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the European Sites, namely, the Malahide Estuary Special Area of Conservation (Site Code: 000205) and the 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 Appropriate Assessment, the Board considered, in particular, the following:

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



In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European sites in view of the sites Conservation Objectives and 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 received by the planning authority on the 27th 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. 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. (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 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 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 mitigation measures and monitoring commitments identified in the Natura Impact Statement and other plans and particulars submitted at application stage shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission.

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

6. The construction of the development shall be managed in accordance with a final 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 noise management measures, invasive species management plan and off-site disposal of construction/demolition waste.

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

7. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site (including archaeological testing) and monitor all site development works.



The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site,
and
- (ii) the impact of the proposed development on such
archaeological material.

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.

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.

- 8. (a) Existing field boundaries shall be retained notwithstanding any exemptions available and new planting shall be undertaken in accordance with the Landscaping Management Plan and Landscape Layout Drawing 2028-LA-P001 submitted to the planning authority on the 4th day of May, 2021.



- (b) 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 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 residential amenities of property in the vicinity.

9. Before construction commences on site, details of the structures 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 to and agreed in writing with the planning authority.

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

10. (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) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.



(d) Cables within the site shall be located underground.

(e) The inverter/transformer stations shall be dark green in colour.

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

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

12. The developer shall comply with the transportation requirements of the planning authority for such works and services as appropriate.

Reason: In the interest of traffic and pedestrian safety.

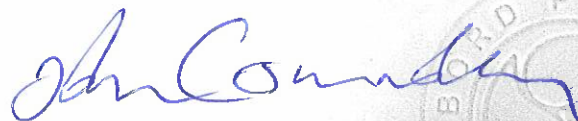
13. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure that surface water is appropriately managed.



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.



John Connolly

Member of An Bord Pleanála

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

Dated this *15th* day of *August* 2022.