

An
Bord
Pleanála

Board Order
ABP-312723-22

Planning and Development Acts 2000 to 2021

Planning Authority: Meath County Council

Planning Register Reference Number: 21/985

Appeal by Eco Advocacy care of Kieran Cummins of Trammon, Rathmolyon, Enfield, County Meath and by others against the decision made on the 17th day of January, 2022 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, Northern Ireland in accordance with plans and particulars lodged with the said Council:

Proposed Development: For a Solar PV Energy Development with a total site area of 108.68 hectares, to include solar panels mounted on steel support structures, associated cabling and ducting, 27 number MV Power Stations, three number Client Substations, three number temporary construction compounds, access tracks, boundary security fencing and security gates, CCTV, landscaping and ancillary works, all on lands including Derryclare, Cloneymeth, Ballygortagh and Moynalvy, Summerhill, County Meath, as revised by the further public notice received by the planning authority on the 15th day of November, 2021.

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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 as follows:
 - (i) the Government's Climate Action Plan 2023,
 - (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,
 - (iv) the Meath County Development Plan 2021 - 2027,
- (b) the nature, scale, and extent of the proposed development,
- (c) the documentation submitted with the planning application, including the Natura Impact Statement, Planning and Environmental Report and appendices, and the Construction and Environment Management Plan,
- (d) the nature of the landscape and any specific conservation or amenity designation for the site,

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- (e) 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 European, national, and regional renewable energy policies and with 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 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 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) are the only European Sites in respect of which the proposed development has the potential to have a significant effect and must, therefore, be subject to Appropriate Assessment.

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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 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. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) 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, either by itself, or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives.

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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 29th day of October, 2021 and the 15th day of November, 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 their retention for a further period.

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- (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.

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5. The mitigation measures identified in the Natura Impact Statement and other plans and particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions of this permission.

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

6.
 - (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) Cables within the site shall be located underground.
 - (d) The MV Power Stations shall be dark green in colour. The external walls of the substation buildings shall be finished in a neutral colour such as light grey or off-white and the roof shall be black/grey.

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

7. 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 for prior approval to the planning authority.

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

8. 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.

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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 landscape and ecology management plan, as submitted to the planning authority on the 25th day of May, 2021, and those updated plans for various sections received on the 29th day of October, 2021, Drawing Numbers NEO000790_72_02_B and NEO000790_73_B 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 25th day of May, 2021.
- (c) All existing hedgerows (except at access track openings, entrances or at locations that require thinning as indicated) shall be retained, notwithstanding any exemptions available and new planting undertaken in accordance with the plans submitted to the planning authority with the application.
- (d) All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. 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 interest of residential and visual amenity.

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10. 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 hours of working, 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.

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

Reason: In the interests of traffic and pedestrian safety.

12. 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 Assessment and Drainage Impact Assessment submitted to the planning authority on 25th day of May, 2021.

Reason: In the interests of environmental protection and flood prevention.

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. 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 which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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: In the interests of traffic safety and the proper planning and sustainable development of the area.

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15. 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.

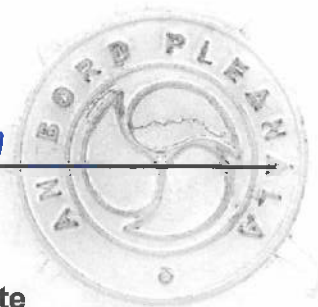
Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board.



Dated this *27th* day of *January* 2023.