



Planning and Development Acts 2000 to 2021

Planning Authority: Meath County Council

Planning Register Reference Number: 21/1918

Appeal by Eco Advocacy of Trammon, Rathmolyon, Enfield, County Meath against the decision made on the 17th day of February, 2022 by Meath County Council to grant subject to conditions a permission to Solar Farms Limited (Part of Energia Group) care of Neo Environmental Limited of Johnstown Business Centre, Johnstown House, Naas, County Kildare in accordance with plans and particulars lodged with the said Council.

Proposed Development: A Solar PV Energy development with a total site area of 23.58 hectares, to include solar panels mounted on steel support structures, associated cabling and ducting, five number MV power stations, one number client substation, one number temporary construction compound, access tracks, hardstanding area, boundary security fencing and security gates, CCTV, landscaping and ancillary works on lands at Ballybin (E.D. Kilbrew), Ashbourne, County Meath. Further public notices were received by the planning authority on the 24th day of January, 2022 and by An Bord Pleanála on the 1st day of July, 2022.

P.C.

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,

P.C

- (e) the measures proposed for the construction, operation, and decommissioning of the site,
- (f) the submissions on file, 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 be in accordance with the European, national, and regional renewable energy policies and the provisions of the Meath County Development Plan 2021-2027, would be in accordance with the provisions and aims of the Climate Action Plan 2021 (current edition), would not seriously injure the visual or residential amenities of the area or 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 effect on any European site or on ecology, would not lead to an increased risk of flooding within the site or adjoining lands, would be acceptable in terms of traffic safety, 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 noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of potential 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 proposed development either individually or in combination with other plans or projects, would not be likely to have a significant effect on these European Sites – the Malahide Estuary Special Area of Conservation (Site Code 000205), the Malahide Estuary Special Protection Area (Site Code 004025), or any other European site and an Appropriate Assessment and submission of a Natura Impact Statement (notwithstanding that a Natura Impact Statement was submitted with the response to the appeal) is not, therefore, required.

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 14th day of January 2021, and further particulars submitted to An Bord Pleanála on the 12th day of April, 2022, 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.
- (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 and the Flood Risk and Drainage Impact Assessment 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 interest 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 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 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 shall be submitted for prior approval to the planning authority. This shall be facilitated through the provision of mammal access gates every 50 metres along the perimeter fence and in accordance with standard guidelines for provision of mammal access (National Roads Authority 2008).

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 completed as follows:
 - (a) a suitably-qualified archaeologist shall be employed to carry out an archaeological assessment of the development site. The assessment shall 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 Culture, Heritage and the Gaeltacht have had the opportunity to evaluate the Archaeological Assessment.

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 NEO00780_025I_B, NEO00780_026I_B, NEO00780_027I_C, NEO00780_028I_C, NEO00780_029I_E, NEO00780_030I_E as submitted to the planning authority on the 14th day of January, 2022 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 Appendix 2D: Biodiversity Management Plan submitted to the planning authority on the 30th day of September, 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 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) hours of construction,
- (l) disturbance of riparian habitats should be minimised. Riparian vegetations should be retained in as natural stated as possible at all times,
- (m) 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, and
- (n) details of an invasive species and biosecurity plan to treat and manage invasive species on site.

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) Any proposed culverts, crossings, watercourse diversions or amendments to same shall require a Section 50 consent from the Office of Public Works and such written consent shall be submitted to the planning authority prior to commencement of development.
- (b) Details including a written specification and drawings of an appropriate scale of the proposed watercourse crossings shall be submitted for the written agreement of the planning authority prior to commencement of development.
- (c) There shall be no development within 10 metres of watercourses on site in order to facilitate access and maintenance of same unless otherwise agreed with the Office of Public Works and such agreement shall be submitted in writing to the planning authority.
- (d) 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 prior to the commencement of development.

Reason: To ensure that no alteration to the flow regime of watercourses result and in the interests of environmental protection.

12. (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 30th day of September, 2021.
- (b) Any cable-laying crossings of watercourses shall subject to an agreed method statement with Inland Fisheries Ireland. No deleterious material shall discharge to any watercourse.

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

13. 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.

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 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.

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 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 interest of traffic safety and the proper planning and sustainable development of the area.

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.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 4th day of *January* 2023.

