



An
Bord
Pleanála

Board Order
ABP-316078-23

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 22552

Appeal by Obton Limited care of Neo Environmental Limited of 83-85 Bridge Street, Ballymena, County Antrim against the decision made on the 21st day of February, 2023 by Meath County Council to refuse a permission for the proposed development.

Proposed Development: The development will consist of planning permission for a period of 10 years to construct and complete a solar PV energy development with a total site area of 124.07 hectares to include: Inverter/Transformer Substations, modules, solar PV ground mounted on support structures, temporary construction compounds, internal access tracks, security fencing, electrical cabling and ducting, CCTV and other ancillary infrastructure, drainage, additional landscaping and habitat enhancement as required and associated site development works relating to the access of the site, all at Hawkinstown, Riverstown (ED Ardcath), Scatternagh, Balgeeth, Ardcath, County Meath. The proposed development was revised by further public notices received by the planning authority on the 21st day of December 2022.

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 national and regional policy objectives in relation to renewable energy;
- (b) the provisions of the Meath County Development Plan 2021-2027;
- (c) the nature, scale, extent and layout of the proposed development;
- (d) the documentation submitted with the planning application and the appeal, including the Natura Impact Statement, Planning and Environmental Statement, Ecological Appraisal, Construction Traffic Management Plan, Outline Construction Environmental Management Plan, Glint and Glare Assessment, Landscape Visual Appraisal, Flood Risk and Drainage Impact Assessment, Noise Impact Assessment, and Archaeology and Architectural Heritage Impact Assessment;
- (e) the mitigation measures proposed for the construction and operation of the proposed development;
- (f) the topography of the area;
- (g) the existing hedging and screening on the site;
- (h) the pattern of development in the area; and
- (i) the report and recommendation of the Planning Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national and regional renewable energy policy objectives, would support delivery of the Meath

County Development Plan 2021-2027, would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, would not be likely to have significant effects on the environment or the ecology of the area, 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 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), the River Nanny Estuary and Shore Special Protection Area (Site Code 004158), the Boyne Estuary Special Protection Area (Site Code 004080) and the North-west Irish Sea Special Protection Area (Site Code 004236) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the River Boyne and River Blackwater Special Area of Conservation (Site Code 002299), the River Nanny Estuary and Shore Special Protection Area (Site Code 004158), the Boyne Estuary Special Protection Area (Site Code 004080) and the North-west Irish Sea Special Protection Area (Site Code 004236) 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 scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- (i) the site-specific Conservation Objectives for the European Sites,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) the 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 potential effects of the proposed development on the aforementioned European Sites.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The proposed 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 8th day of December, 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 the development and the proposed 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 considers 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 to final decommissioning of the solar array. The solar array and related ancillary structures shall 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 of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Statement, Natura Impact Statement, Ecological Appraisal, Construction Traffic Management Plan, Outline Construction Environmental Management Plan, Flood Risk and Drainage Impact Assessment, Noise Impact Assessment, Glint and Glare Assessment, Landscape Visual Appraisal, Archaeology and Architectural Heritage Impact Assessment, and other plans and particulars submitted with the application, as amended by the further plans and particulars received by the planning authority on the 8th day of December, 2022, 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) Existing field boundaries shall be retained (other than those specified for removal in the planning application documentation), notwithstanding any exemptions available, and new planting shall be undertaken in accordance with the Landscape and Ecology Management Plan received by the planning authority on the 8th day of December, 2022.
- (b) Revised drawings detailing the removal of proposed development from Fields 3 and 20, as advised to the planning authority on the 8th day of December, 2022 (section 2.10 Further Information), shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (c) Details for the provision of additional screen planting in the locations identified in the 'Glint and Glare Assessment' received by the planning authority on the 8th day of December, 2022 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (d) All landscaping shall be completed in accordance with the details received to the written satisfaction of the planning authority. 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.
- (e) The Biodiversity Management Plan shall be implemented in accordance with the details received to the written satisfaction of the planning authority.

Reason: In the interest of biodiversity, the visual amenities of the area and the residential amenities of property in the vicinity.

7. (a) No artificial lighting shall be installed and 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 inverter/transformer stations shall be dark green in colour.

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

8. Within 12 months of the proposed development becoming operational, an operational glint and glare assessment shall be carried out and submitted for the written agreement of the planning authority to confirm compliance with the conclusions of the 'Glint and Glare Assessment' received by the planning authority on the 8th day of December, 2022. Where necessary, additional mitigation measures shall be undertaken to achieve compliance in this regard, details of which shall be agreed in writing with the planning authority.

Reason: In the interest of residential amenity and traffic safety.

9. Pre-development testing shall be carried out as follows:
 - (a) The developer shall be required to engage the services of a suitably qualified archaeologist to co-ordinate the mitigation

proposals contained in the report for test excavations and archaeological monitoring of groundworks resulting from construction methods (Technical Appendix 3: Archaeology and Architectural Heritage Impact Assessment). Geophysical survey shall take place in advance of testing, where appropriate. No sub-surface works shall be undertaken in the absence of the archaeologist without his/her express consent.

- (b) The archaeologist shall be required to notify the National Monuments Service of the Department of Housing, Local Government and Heritage in writing at least four weeks prior to commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.
- (c) The archaeologist shall carry out any relevant documentary research and shall excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.
- (d) The archaeological method statement for the mitigation shall be agreed with the National Monuments Service of the Department of Housing, Local Government and Heritage in advance of the commencement of construction. The method statement shall include a schedule of the details of the nature, location and extent of all ground works and topsoil stripping that may be approved.
- (e) Having completed the work, the archaeologist shall submit a written report to the planning authority and to the National Monuments Service of the Department of Housing, Local Government and Heritage for consideration.

- (f) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the National Monuments Service of the Department of Housing, Local Government and Heritage shall advise the developer with regard to these matters.
- (g) No site preparation or construction work shall be carried out until after the archaeologist's test excavation report has been submitted and permission to proceed has been received in writing from the planning authority in consultation with the National Monuments Service of 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.

- 10. The construction of the proposed 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 proposed development, including but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic, details of the haul route for HGVs etc., and off-site disposal of construction waste.

Reason: In the interest of public safety, residential amenity and the protection of the environment.

11. 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.

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

12. 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 the satisfactory reinstatement of the site.

13. 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 the 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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

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

Dated this *2nd* day of *September*, 2024.