



An
Bord
Pleanála

Board Order
ABP-317822-23

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 22/1508

Appeal by Anne-Marie Delany and others of Culmullen, Drumree, County Meath against the decision made on the 21st day of July, 2023 by Meath County Council to grant subject to conditions a permission to Energia Solar Holding Limited of 83-85 Bridge Street, Ballymena, County Antrim in accordance with plans and particulars lodged with the said Council.

Proposed Development: A 10 year planning permission consisting of a Solar PV energy development with a total site area of 171.34 hectares, to include solar panels mounted on steel support structures, associated cabling and ducting, 47 number MV power stations, three number client substations, three number temporary construction compounds, tracks, boundary security fencing and security gates, CCTV, landscaping and ancillary works with a 40 year operational period on lands including Culmullin, Curraghtown, Cultomer, Gaulstown, Bogganstown and Cullendragh in Drumree, County Meath, as amended by the further public notices received by the planning authority on the 29th day of May, 2023 and as amended by An Bord Pleanála on the 18th day of November, 2024.

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

The Board had regard to the following:

- (a) European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:
- Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive),
 - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive),
 - Directive 2000/60/EC (Water Framework Directive),
 - Project Ireland 2040 - National Planning Framework (2018),
 - National Development Plan (2021-2030),
 - the objectives and targets of the National Biodiversity Action Plan 2023-2030,
 - Long-term Strategy on Greenhouse Gas Emissions Reduction (2024),
 - the Policy Statement on Security of Electricity Supply (November 2021),
 - the National Energy Security Framework (April 2022),
 - the National Energy and Climate Action Plan (2021-2030),

- the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031,
 - the Meath County Development Plan 2021-2027,
 - the Climate Action and Low Carbon Development (Amendment) Act 2021, and
 - the Climate Action Plan 2024,
- (b) the location, nature, scale and layout of the proposed development and the pattern of development in the area,
- (c) the range of mitigation measures set out in the Natura Impact Statement, and
- (d) the submissions received in relation to the application and appeal by all parties,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not have undue impacts on land use, would not have an unacceptable impact on the character of the landscape, would not seriously injure the visual and residential amenities of the area, would not lead to an increased risk of flooding within the site or adjoining lands, would be acceptable in terms of traffic safety and health, would not have an unacceptable impact on ecology or on any European Site, would not seriously injure cultural or archaeological heritage on-site or in the vicinity, and would make a positive contribution to Ireland's requirements for renewable energy in accordance with national regional and local policy. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In coming to its decision, the Board made its decision consistent with the Climate Action and Low Carbon Development (Amendment) Act, 2021 and the Climate Action Plan, 2024.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by particulars received by the planning authority on the 9th day of May, 2023 and by An Bord Pleanála on the 14th day of September, 2023 and the 9th day of September, 2024 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 mitigation measures contained in the updated Natura Impact Statement (NIS) and appendices to same submitted to An Bord Pleanála on the 9th day of September 2024, shall be implemented in full.

Reason: To protect the integrity of European Sites.

3. 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.

4. Prior to the commencement of development, the final mega-watt output of the development shall be agreed in writing with the planning authority.

Reason: In the interest of clarity.

5. Prior to commencement of development, details of all works consented by or to be undertaken by the Office of Public Works pursuant to Section 50 or Section 9 of the Arterial Drainage Act 1945, as amended, including all proposed and amended, crossings, diversions, or other relevant amendments to waterbodies shall be submitted to the planning authority.

Reason: In the interests of regulating, restricting and controlling development in an area subject to flood risk, for pollution prevention and the protection of the environment.

6. (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 Decommissioning and Restoration Plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

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.

7. 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.

8. All of the environmental, construction, operation and decommissioning phase mitigation measures set out in the Landscape and Visual Impact Assessment, Ecological Appraisal, Flood Risk and Drainage Impact Assessment, Noise Impact Assessment, Glint and Glare Assessment, Outline Construction Environmental Management Plan 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. Where such measures 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.

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

9. (a) A Construction Traffic Management Plan shall be submitted to the planning authority for written agreement prior to the commencement of development.
- (b) All mitigation measures outlined in Technical Appendix 5: Construction Traffic Management Plan submitted with the application and in the applicant's response to the appeal submitted to the Board on the 14th day of September 2023 are to be implemented to include, inter-alia, the following:
- Road condition surveys 200 metres either side of Site Access 1 on the R125 and on the haulage route from Site Access 2 and 3 to 200 metres either side of the L-6205/R-156 junction. The applicant will be liable to repair any damaged caused to the public road during the construction phase.
 - Management of traffic on the L-62061.
 - Phasing of development to ensure that construction works at Site 3 only commences when works to Site 2 have been completed.

Reason: In the interest of traffic safety.

10. (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. Such arrangements shall include the use of swale features designed in accordance with the CIRIA SuDS Manual C753 (2015).
- (b) All works in, at or over the waterbodies at the site shall comply with the provisions of the Inland Fisheries Ireland (2016) Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters.
- (c) Perimeter fencing shall not extend into waterbodies at the site. Prior to the commencement of development, the applicant shall submit to the planning authority for written agreement a fencing plan containing details of fencing in the vicinity of waterbodies at the site.
- (d) No construction works shall occur within two metres of field drains or waterbodies.

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

11. (a) Pollution prevention measures shall be employed at the site in accordance with best practice guidelines including CIRIA Control of Water Pollution from Construction Sites C532 (2001), and Environmental Good Practice on Site C811 (2023).
- (b) The provisions of the National Roads Authority's 'Guidelines for the Treatment of Otters Prior to the Construction of National Road Schemes' shall be implemented throughout the construction phase.

Reason: In the interest of environmental protection.

12. Landscaping shall be carried out in accordance with submitted details. Mature/semi-mature screening planting shall take place prior to development elsewhere at the site or in the first planting season, whichever is sooner. Where the prevailing speed limit has been reduced since the submission of documentation and a reduction in hedgerow removal to facilitate site exit sightlines is possible, such details shall be agreed with the planning authority prior to commencement.

Reason: To mitigate visual impacts.

13. Cables from the Solar Arrays within the site shall be located underground.

Reason: In the interests of health and safety, and visual amenity.

14. (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 and cowed to face into the site and shall not be directed towards adjoining property or the road.
- (c) The power stations shall be dark green in colour and substations shall be finished in a neutral colour such as light-grey or off white and the roof shall be of black slate or tiles.

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

15. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site in accordance with the submitted Archaeological and Architectural Heritage Impact Assessment. The developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
 - (b) engage the services of a suitably qualified archaeologist to undertake further archaeological assessment of areas of higher archaeological potential, as identified during previous geophysical assessment, including test trenching (under licence as per National Monuments Acts 1930-2004),
 - (c) having completed the work, the archaeologist should submit a written report to the planning authority and to the National Monuments Service of the Department of Housing, Local Government and Heritage in advance of the commencement of construction works. Where archaeological materials are shown to be present, preservation in situ, preservation by record, or monitoring may be required,
 - (d) employ a suitably-qualified archaeologist to monitor all ground works at the site, including excavation for cable trenches and at substations,
 - (e) utilise floating concrete feet/ballast foundations on solar array support structures in areas of identified archaeological potential, and
 - (f) provide buffer and secure fencing around Recorded Monument ME04-026 and at the eastern side of Field 4 in Site 1 during the construction phase.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

16. (a) Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.
- (b) During the construction phase, noise shall accord with the relevant provisions and thresholds of BS5228.

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

17. The construction of the development shall be managed in accordance with a Construction Management 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) details of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
 - (b) details of areas for construction site offices and staff facilities,
 - (c) details of site security fencing and hoardings,
 - (e) details of on-site car parking facilities for site workers during the course of construction,
 - (f) 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,

- (g) measures to obviate queuing of construction traffic on the adjoining road network,
- (h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) 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,
- (k) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety.

18. Prior to the commencement of development, details of the community gain proposals referred to in the Planning Statement and the applicant's response to the appeal shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of clarity.

19. Hedgerow cutting, realignment and/or removal shall occur outside of the period March 1st to August 31st.

Reason: In the interest of protecting nesting birds.

20. 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.

21. 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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

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



Dated this 10th day of April, 2025.