

An
Bord
Pleanála

Board Order
ABP-320755-24

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 23/1144

Appeal by Brian and Vikki O'Carroll of Blossom Hill House, Mulhussey, Kilcock, County Meath and by Others and by GP Joule Ireland Limited care of Entrust Limited of Unit 1D Deepark Business Centre, Oranmore, County Galway against the decision made on the 13th day of August, 2024 by Meath County Council to grant subject to conditions a permission to the said GP Joule Ireland Limited in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of a 10 year planning permission for the construction of, and a 40-year operation and subsequent decommissioning of, a development consisting of a 205.15 hectare solar farm (red line boundary) and underground grid connection route. The solar farm comprises of three separate land parcels divided by local roads. 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 on concrete shoes to protect possible underground archaeological features, together with 58 electrical transformation enclosures, underground cabling, two number temporary construction compounds and use of existing

one number hardstanding, the use of existing farm access tracks, existing site entrances, widening of three number existing site entrance, inverters, CCTV poles and cameras, deer type security/boundary fencing with some areas of boundary development on concrete shoes to further protect possible underground archaeological features, landscaping and biodiversity measures and all associated ancillary development works, for the purpose of generating renewable energy electricity and transmitting it in the townlands of Mulhussey, Batterstown, Longtown, Mullagh and Milltown, Kilcock, County Meath as revised by the further public notices received by the planning authority on the 20th day of June 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

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 2024 (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 phases 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 accord with European, National, Regional and Local planning and related policy, would be consistent with the provisions of the Climate Action Plan 2024 and would make a positive contribution towards Ireland's renewable energy and security of energy supply requirements. The proposed development would not seriously injure the visual and residential amenities of the area, would not have an unacceptable impact on the character of the landscape or on cultural heritage, would not create a traffic hazard or endanger public safety, would not have undue impacts on surrounding land uses, would not have an unacceptable impact on ecology, biodiversity or on any European Site and would not lead to an increased risk of flooding within the site or adjoining lands. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Rye Water Valley/Carnton Special Area of Conservation (Site Code: 001398) is the only European site for which there is a possibility of significant effects and must therefore be subject to an Appropriate Assessment. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of this site in light of its conservation objectives.

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 Rye Water Valley/Carnton Special Area of Conservation (Site Code: 001398) in view of the site's 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:

- (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 Site.

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 site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the Rye Water Valley/Cartron Special Area of Conservation (Site Code: 001398), in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

EIA Screening Determination

Having regard to-

- (a) The nature and scale of the proposed development, while not itself a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, includes a limited extent of field boundary removal, thereby coming within Class 1(a) of Part 2 of Schedule 5 of the regulations and below the threshold set out in the class,
- (b) The location of the proposed development and nature of the existing site and the pattern of existing and permitted development in the surrounding area;
- (c) The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;

- (d) The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- (e) The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended, and;
- (f) The features and measures proposed by the applicant intended to avoid or prevent adverse effects on the environment, including measures identified in the submitted Natura Impact Statement and Flood Risk Assessment (and related Further Information submissions),

the Board considers that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report 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 received by the planning authority on the 10th day of June 2024 and the drawings and documents received by An Bord Pleanála on the 6th 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 period during which the development hereby permitted may be carried out shall be ten years from the date of this Order.

Reason: In the interest of clarity.

3. (a) The permission shall be for a period of 40 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. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented in full.

Reason: To protect the integrity of European Sites.

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5. All of the environmental, construction and ecological mitigation measures, as set out in the Planning Statement Incorporating Environmental Considerations, Landscape and Visual Impact Assessment, Ecological Impact Assessment, Landscape Management and Maintenance Plan, Biodiversity Management Plan, Invasive Alien Species Survey Management Plan, Solar Photovoltaic Glint and Glare Study, Construction and Environmental Management Plan, Cultural Heritage Impact Assessment, and all other particulars submitted with the application including at Further Information stage, 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 of the protection of the environment during the construction and operational phases of the development.

6. The applicant shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, and the planning authority. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

Reason: To protect the environmental and natural heritage of the area.

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. Prior to the commencement of development, pre-commencement surveys for protected plant, animal species and invasive species shall be undertaken at the site and where required the appropriate licence to disturb or interfere with same shall be obtained from the National Parks and Wildlife Service.

Reason: In the interest of wildlife protection.

9. The developer shall comply with the transportation requirements of the planning authority. Prior to commencement of development, a finalised transport management plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic safety.

10. (a) A finalised Landscape Management and Maintenance Plan and Biodiversity Management Plan for the proposed development, in accordance with those already submitted, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The site shall be managed in accordance with the agreed plans. These plans shall cover a period of at least five years and shall include details of arrangements for Yellowhammer mitigation and all other mitigation including the arrangements for implementation of same.
- (b) Proposed planting along the School Road shall be limited and maintained at five metres in height or as otherwise agreed with the planning authority.
- (c) Landscape planting shall utilise native species of local origin, reflecting those species naturally occurring in the locality.

Reason: To ensure the preservation and protection of flora and fauna within the site and provide for the satisfactory future maintenance of this development in the interest of visual amenity.

11. Prior to the commencement of development, details of the structure of the security fence showing provision for the movement of mammals at regular intervals shall be submitted for prior approval to the planning authority.

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

12. 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.

13. 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.

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

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 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 solar panels shall have driven or screw pile foundations only (save those proposed with concrete shoes), unless otherwise authorised by a separate grant of planning permission;
- (e) The transformers/ inverters shall be dark green in colour.

Reason: In the interest of the long term viability of this agricultural land and in order to minimise impacts on drainage patterns, clarity, visual and residential amenity.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, to include a Construction Traffic 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) the details of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) the details of areas for construction site offices and staff facilities;
 - (c) the details of site security fencing and hoardings;
 - (d) the details of on-site car parking facilities for site workers during the course of construction;
 - (e) the 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 obviate queuing of construction traffic on the adjoining road network;
 - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- (h) the details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (i) the 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;
- (j) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (k) the 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 Management Plan shall be kept for inspection by the planning authority.

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

16. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:
- (i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour.]
 - (ii) An LAeqT value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurements shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measure of Environmental Noise.

Reason: To protect the amenities of property in the vicinity of the site.

17. 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 submitted Site Specific Flood Risk Assessment as supplemented by the Further Information submitted to the planning authority on the 10th day of June 2024. A drainage management plan shall be developed for the construction and the operational phases of the development to include details of the proposed access routes and drains and shall be submitted to the planning authority for approval prior to commencement of development.

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

18. 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.

19. 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.

20. 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
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board



Dated this 31 day of March 2025