



An
Bord
Pleanála

Board Order
ABP-320999-24

Planning and Development Acts 2000 to 2022

Planning Authority: Westmeath County Council

Planning Register Reference Number: 24/60050

Appeal by Brian and Catriona McGowan care of Michael Halligan of Seapoint House, Balbriggan, County Dublin against the decision made on the 10th day of September 2024 by Westmeath County Council to grant subject to conditions a permission to Harmony Solar Kildallon Limited care of Gravis Planning of 41 Baggot Street Lower, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Development consisting of a 10-year permission for the development of a solar farm on a site of 140 hectares consisting of the following: 781,578 square metres of solar photovoltaic panels on ground mounted steel frames, 17 hardstanding locations for the installation of electrical skids, new internal access tracks, underground power and communications cables and ducts, including along the L-5802, R-393, L-5913, L-1811 and the L-5808 public roads, a new access point and an upgrade to an existing access point along the R-393 public road and a new access point along the L-5808 public road, landscaping and biodiversity enhancement measures; boundary fencing; and all associated ancillary development, site works and services. The solar farm will be operational for 40 years. A Natura

Impact Statement (NIS) was submitted as part of the further information response and the development has been amended to include land within the townland of Clondardis. The site lies within the townlands of Toor Commons, Ballysallagh (Fox), Ballyhug, Ballysallagh (Tuite), Ballyhoreen, Kill, Balroe, Cartron, Grange, Kildallan North, Kildallan, Parcellstown, Slane More and Walshestown South and Clondardis, County Westmeath as amended by the revised public notice received by the planning authority on the 17th day of July, 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

In coming to its decision, the Board had regard to the following:

- (a) the European, national, regional and county level supports for renewable energy development,
- (b) the provisions of the Westmeath County Development Plan 2021-2027,
- (c) the Project Ireland 2040 National Planning Framework,
- (d) the Regional Spatial and Economic Strategy for the Eastern and Midland Region,
- (e) the Planning System and Flood Risk Management Guidelines (2009),
- (f) the nature, scale, and extent of the proposed development,

- (g) the documentation submitted with the planning application, including the Natura Impact Statement, Planning Statement, Construction Environmental Management Plan and associated reports contained within,
- (h) the nature of the landscape and its capacity to visually accommodate the proposed development without significant adverse effects,
- (i) the location of the proposed development within an ecologically and visually robust landscape,
- (j) the cultivated nature of the lands,
- (k) the mitigation measures proposed for the construction, operation and decommissioning of the site,
- (l) the submissions and observations on file, including those from prescribed bodies, the planning authority, the third party and observer,
- (m) the separation distances between the proposed development and dwellings or other sensitive receptors,
- (n) the hydraulic characteristics of the site and the robust nature of the proposed development, and,
- (o) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the absence of likely significant effects of the proposed development on European sites.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would support national and regional renewable energy policy objectives, would comply with the provisions of the Westmeath County Development Plan 2021-2027, would not seriously injure the visual or residential amenities of the area or otherwise depreciate the value of property in the vicinity, would not endanger public safety by reason of traffic hazard or cause congestion, would not have an unacceptable impact on the character of the landscape or on cultural heritage, and would make a positive contribution to Ireland's renewable energy requirements. The Board was satisfied that a decision to grant permission for the proposed development would be consistent with its obligations under the Climate Action Plan 2024 and would not conflict with the objectives and targets of the National Biodiversity Plan 2023-2030. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening: Stage 1:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Glen Lough Special Protection Area (site code 004045), Lough Ennell Special Protection Area (site code 004044), Lough Derravaragh Special Protection Area (site code 004043); Garriskil Bog Special Protection Area (site code 004102), Lough Owel Special Protection Area (site code 004047) and Lough Iron Special Protection Area (site code 004046) are European Sites for which there is a possibility of significant effects and therefore, a stage 2 appropriate assessment is required.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement submitted to the planning authority and all other relevant submissions on file and carried out an appropriate assessment of the implications of the proposed development for these European Sites 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 best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (i) the site specific conservation objectives for these European Sites,
- (ii) the current conservation status, threats, and pressures of the qualifying interest features,
- (iii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans and projects, and
- (iv) 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 implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

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 there was no reasonable scientific doubt as to the absence of such effects.

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 5th day of July, 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 identified in the Natura Impact Statement, which was submitted to the planning authority on the 5th day of July, 2024 shall be implemented in full.

Reason: In the interests of clarity and the proper planning and sustainable development of the area, and to ensure the protection of the European sites.

3. The period during which development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: In the interest of clarity.

4. All of the environmental, construction, ecological and heritage-related mitigation measures, as set out in the technical reports submitted with the application including the Planning and Environment Report, Environmental Impact Assessment Screening Report, Decommissioning and Restoration Plan, Ecological Impact Assessment, Hydrology and Hydrogeology Report, Baseline Review Report (for the surface and groundwater environment), Noise Scoping Report, Landscape and Visual Impact Assessment, Glint and Glare Report, Archaeological and Cultural Heritage Assessment, Construction Environmental Management Plan, Traffic and Transport Assessment and other particulars submitted with the application, shall be implemented by the developer, except as may otherwise be required in order to comply with the conditions of this Order.

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

5. (a) The permission shall be for a period of 40 years from the date of the first commissioning of the solar array. All structures, including foundations, shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.
- (b) Prior to the commencement of development, a detailed Site Restoration Plan providing for the removal of the solar arrays and all ancillary structures, and a timescale for its implementation, shall be submitted to, and agreed in writing with, the planning authority.

- (c) On full or partial decommissioning or if the solar farm ceases operation for a period of more than one year, the solar farm, the solar arrays and all ancillary structures shall be dismantled and removed permanently from the site. The site shall be restored in accordance with the agreed Site Restoration Plan and all decommissioned structures shall be removed from the site 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 landscape restoration upon cessation of the project.

6. 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.

7. All trees and plants provided as landscaping and mitigation shall be native species and, where practical, all seeds and plants shall be sourced locally.

Reason: To protect the natural biodiversity of the area.

8. 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.

9. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, to include a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development including:
- (a) details of the site and material compounds, including areas 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;
 - (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 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) 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) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (k) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, and
- (l) a record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be available for inspection by the planning authority.

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

10. All road surfaces, culverts, watercourses, verges, underground services 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. Prior to commencement of development, a road condition survey shall be taken 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.

11. Site development and building works shall be carried out only between the hours of 0700 to 1800 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.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

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, 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 restoration of the site in the interest of visual amenity.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities facilitating development the area of the planning authority that is provided or intended to be provided by or on behalf of an 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.



Tom Rabbette

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 31st day of March 2025