



An
Coimisiún
Pleanála

**Commission Order
ABP-321002-24**

Planning and Development Act 2000, as amended

Planning Authority: Meath County Council

Planning Register Reference Number: 23/1082

Appeal by James Meade of Rathkenny, Navan, County Meath and by Rathkenny Community against Solar Development care of Dermot Carry of Clogher, Rathkenny, Navan, County Meath against the decision made on the 13th day of September, 2024 by Meath County Council to grant subject to conditions a permission to Highfield Solar Limited care of Highfield Energy Services Limited of Old Castle View, Kilgobbin Road, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: 10-year permission for the construction of a solar PV energy development within a total site area of approximately 131.93 hectares, to include solar PV panels ground mounted on steel support structures, electrical transformer/inverter station modules, storage containers, CCTV cameras, access tracks, fencing and associated electrical cabling, ducting and ancillary infrastructure, all within lands at Killary, Lobinstown, Navan and Rathkenny, Navan, County Meath, as revised by the further public notices received by the planning authority on the 20th day of August, 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 Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, in accordance with the provisions of the Climate Action Plan 2024 and Climate Action Plan 2025, and also had regard to the following:

(a) European legislation, including of particular relevance:

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC, as amended by 2009/147/EC (Birds Directive), which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy and amending Directive EU/2023/2413 which aims to speed up the EU's clean energy transition as implemented by European Union (Planning and Development) (Renewable Energy) Regulations 2025 (S.I. 274 of 2025).

- Directive 2011/92/EU (The EIA Directive), as amended by Directive 2014/52/EU, as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning and Development Regulations 2001, as amended.
 - Directive 2000/60/EC (the Water Framework Directive) and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive, and which achieves or promotes compliance with the requirements of the Directive.
- (b) National and regional planning and related policy, including:
- National policy with regard to the development of alternative and indigenous energy sources and minimisation of emissions from greenhouse gases, particularly the NPF First Revision 2025 and National Policy Objective 70.
 - The objectives and targets of the National Biodiversity Action Plan 2023-2030.
 - The Planning System and Flood Risk Management, Guidelines for Planning Authorities 2009.
- (c) Regional and local planning policy, including:
- The Eastern & Midland Regional Economic and Spatial Strategy, 2019-2031.
 - The Meath County Development Plan 2021-2027.

- (d) The nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
- (e) 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 likely significant effects of the proposed development on European Sites.

Appropriate Assessment: Stage 1:

The Commission 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 Boyne and River Blackwater Special Protection Area (Site Code: 004232), the Dundalk Bay Special Area of Conservation (Site Code: 000455), and the Dundalk Bay Special Protection Area (Site Code: 004026) 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 Commission 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 Boyne and River Blackwater Special Protection Area (Site Code: 004232), the Dundalk Bay Special Area of Conservation (Site Code: 000455), and the Dundalk Bay Special Protection Area (Site Code: 004026) in view of the sites' Conservation Objectives. The Commission 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 Commission 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 Commission 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 Commission 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.

Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, and regional renewable energy policies and with the provisions of the Meath County Development Plan 2021-2027, would not seriously injure the visual or residential amenities of the area or otherwise of property in the vicinity, would not have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not have a significant adverse impact on ecology, would be acceptable in terms of traffic impacts and safety, and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 27th day of November, 2023, the 29th day of July, 2024 and the 20th day of August, 2024, as well as the submissions to An Coimisiún Pleanála received on the 5th day of November, 2024 and on the 10th day of June, 2025 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.
- (b) 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.
- (c) 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.
- (d) 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: Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission in excess of five years and 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.

3. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented in full.

Reason: To protect the integrity of European Sites.

4. Prior to commencement of development, details of all works consented by or to be undertaken by the OPW pursuant to Section 50 or Section 9 of the Arterial Drainage Act 1945, as amended, including all proposed and amended access track and cable crossings of waterbodies, diversions, or other relevant amendments to waterbodies shall be submitted to the planning authority for written agreement.

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

5. The proposed development shall be amended as follows:
 - (a) Development, including panels, PV racks, and maintenance roadways shall be omitted from field labelled no.1 on Figure 2.3 of the Ecological Appraisal Report.
 - (b) With the exception of development authorised or undertaken by the OPW pursuant to Section 9 or Section 50 of the Arterial Drainage Act 1945, as amended, or as otherwise agreed with the planning authority, no construction plant and machinery shall be operated and no development shall be undertaken (including solar arrays, construction compounds, hard standings, swales, tracks, trenching and fencing) within the following buffer zones:

- (i) 30 metres extending from the top of each bank of Arterial Drainage Channels OPW Scheme Ref: C2(28H), C2(28H1), C2(28F) and C2(28)).
- (ii) Five metres extending from the top of bank of each drainage ditch identified on Figure 2.2 Appendix 2A of Appendix 1 Ecological Appraisal to the Planning Report received by the planning authority on the 27th day of November, 2023.
- (iii) An area covered by the crown spread of tree branches, or the minimum radius of two metres from the trunk of a tree, or a distance of two metres on each side of hedgerows/treelines identified on Figure 2.2 of Appendix 2A of Appendix 1 Ecological Appraisal to the planning report received by the planning authority on the 27th day of November, 2023, or as determined in accordance with BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction.
- (iv) Within 30 metres of each of the three number badger setts identified on the submitted block plan (fig 1.1), and any further setts identified. Any reduction from this buffer shall be in accordance with the written agreement of the National Parks and Wildlife Service which shall be submitted to the planning authority.

Fencing for each of the above referenced exclusion zones, and throughout the site shall provide for mammal access in accordance with standardised guidelines.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity, the protection and conservation of the environment, including flora and fauna, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns, the prevention of environmental pollution and the protection of waters.

6. The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) following consultation with the National Monument Service (NMS) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, and geophysical survey of the development site. Test trenches shall be excavated at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the geophysical survey results and the site drawings. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement with appropriate imagery and illustrations and mitigation strategy, to be submitted for evaluation and written approval to the Department of Housing Local Government and Heritage and for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring shall be required and mitigatory measures to

ensure the preservation and/or recording of archaeological remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

7. All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Report, Ecological Appraisal, Landscape Mitigation Plan, Construction and Environmental Management Plan, Archaeological Assessment, and a revised biodiversity management plan, (containing a detailed schedule of location specific vegetation control and habitat creation/mitigation/monitoring) to be agreed with the planning authority and other particulars submitted with the planning application, shall be implemented by the developer in conjunction with the timelines and monitoring set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: In the interest of visual amenity, the protection and conservation of the environment, including flora and fauna, the prevention of environmental pollution and the protection of waters.

8. 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.

9. The solar panels shall be fixed in place by way of driven pile or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission.

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

10. Prior to 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.

11. (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) With the exception of cables within flood zones and riparian buffers, cables within the site shall be located underground.

(d) The transformers/ inverters shall be dark green in colour.

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

12. The construction of the proposed development shall be managed in accordance with a finalised Construction and 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 proposed development, including:
- (a) Prior to commencement of any other works in each relevant field, the prescribed buffer zones shall be fenced so as to exclude machinery from each buffer other than works by or licenced by the OPW or agreed in writing prior to commencement with the NPWS and or the planning authority, as appropriate.
 - (b) The location of the site and materials compound(s).
 - (c) The location of areas for construction site offices and staff facilities.
 - (d) 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 any abnormal loads to the site.

- (g) Measures to obviate the 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.
- (l) Details of on-site re-fuelling arrangements, including use of drip trays.
- (m) Details of how it is proposed to manage excavated soil.
- (n) Means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.
- (o) Hours of construction.

The finalised Construction and Environmental Management Plan shall include a clear firefighting plan and shall also take account of the mitigation measures outlined in the Natura Impact Statement. A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept for inspection by the planning authority.

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

13. The developer shall submit to, and agree in writing with, the planning authority a Fire Risk Assessment Report containing mitigation and management measures to address any risk identified therein. This shall be implemented in full.

Reason: In the interest of residential amenity, fire risk prevention and environmental protection.

14. The developer shall submit to, and agree in writing with, the planning authority a drawing of the proposed entrance detailing the proposed treatment of the roadside drain, the maintenance of unobstructive sightlines to 90 metres to the near side of the road from a set-back of 2.5 metres, in accordance with TII document DN-GEO-03060 from the entrance. The near side road edge shall be visible over the entire site line. The entrance piers shall be at least three metres from the edge of the road and the entrance gate shall be recessed at least 17 metres from the edge of the road.

Reason: In the interest of traffic safety and orderly development.

15. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

16. 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 upon 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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site.

17. 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 Coimisiún Pleanála for determination.

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

18. 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 Coimisiún 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

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this *5th* day of *November*, 2025.

