



An  
Bord  
Pleanála

## Inspector's Report PL17. 248028

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<b>Development</b>	Solar voltaic panel array with a maximum export capacity of 20 MW of 88,800 no. solar panels. A Natura Impact Statement accompanied the planning application.
<b>Location</b>	Julianstown East and West, and Ninch, County Meath.
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	LB/160998
<b>Applicant(s)</b>	Solar Farmers Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Ronan Diamond
<b>Observers</b>	None
<b>Date of Site Inspection</b>	17 <sup>th</sup> May 2017
<b>Inspector</b>	Patricia Calleary

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in a rural area in County Meath. The closest settlement is Jullianstown, located c.1 km to the south west. Laytown is located c.1.5km to the east and Drogheda is c. 4km north east. The site comprises seven low lying fields (three on the east which are part of existing fields) within a mildly undulating landscape on the northern slopes of the River Nanny valley. Site elevations rise from 12m AOD at its lowest point to 24m AOD at its highest point.
- 1.2. On the day of inspection, the land was in tillage use with some fields planted with arable crops planted (wheat and barley) and other fields were evidently recently ploughed. The field boundaries are generally defined by hedgerows and drainage ditches with some mature trees. Fields were dry underfoot and where drainage ditches were observed, these were also dry. Landuse in the immediate environs of the site is mostly agricultural with a mix of grassland and tillage.
- 1.3. The site is positioned north of the regional road (R150) which connects Laytown to Julianstown, east of the R132 and west of the railway line connecting Laytown and Drogheda. Current access to the site is off the R150 to the south.
- 1.4. I have attached a context map and photographs of the area as an appendix to this report.

## 2.0 Proposed Development

- 2.1. As described on the public notice, the proposed development would consist of a solar photovoltaic panel array with a maximum export capacity of 20 MW, comprising up to 88,800 no. solar panels on ground mounted steel frames. It would also comprise a 38kV substation (consisting of a single-storey substation control building, transformers, battery-storage container and associated cabling and infrastructure), 20 no. electrical transformer/invertor station modules, underground cable ducts, hardstanding areas, perimeter fencing (deer fencing) and security gates, access tracks, 3 no. CCTV cameras and all associated site services and works.
- 2.2. The solar photovoltaic panels would sit on angled frames at a height of 0.9m and would rise to a height of c.2.8m above ground level. The solar array would be orientated to the south and positioned at an angle of 25 degrees from the horizontal.

The frames would be screwed or rammed into the ground to a depth of c.2.0 m. At the end of their operational life, the frames would be removed from the ground.

- 2.3. A separate consent for a grid connection has been lodged but no grid connection offer has been made and the location at which the solar farm would connect to the transmission grid is unknown at this point. It is stated by the applicant that it is not possible to identify the route of the cable or whether it would run underground or overground. A high level assessment of 2 potential grid connection locations are stated to have been carried out, connecting to either the existing Mornington road 38 kV substation or the existing Julianstown 38 kV substation. Both potential options are presented with the application.
- 2.4. Access to the site would be off Minnistown local road (L-5616-0) and a 3m temporary access track is proposed to continue westwards to the site to serve the construction period, after which stage a permanent track would be constructed to facilitate the operation access.
- 2.5. Permission is requested for an appropriate period of 10 years and it is stated the development would have an operational lifespan of 30 years.
- 2.6. It is stated that the proposed development would be capable of generating enough clean electricity to power 3,760 typical Irish households. The stated land requirement would be 25% of the total site area, c.11.5 ha net area and the grazing of small livestock such as sheep would occur during the operational stage and all structures, utilities and fencing would be removed at the end of the operational lifetime. It is also stated that at the end of the operational life, access tracks may remain in place if the landowner wishes and if permitted by the Planning Authority.
- 2.7. The planning application was accompanied by an **Environmental Report** which addressed environment matters including ecology, soils, geology & hydrogeology, hydrology & water quality, human environment, cultural heritage, glint and glare and landscape and visual and climate change. A **Natura Impact Statement** also accompanied the application.
- 2.8. **Further information** received by the Planning Authority addressed matters of archaeology, capacity of the road network and glint and glare.

## 3.0 Planning Authority Decision

### 3.1. Introduction

The Planning Authority issued a decision to **grant permission** subject to 10 conditions, of which the following are of note:

- C2 – archaeological assessment required;
- C3 – implement environmental, traffic and construction mitigation measures;
- C4 – remove all structures not later than 25 years from the date of commencement of the development.

### 3.2. Planning Authority Reports

- 3.2.1. Following initial assessment, the planning officer recommended seeking further information on matters of **archaeology, capacity of the road network** and **screening** in the context of **glint and glare**.
- 3.2.2. On receipt of further information, the final planner's assessment noted that the nature of the development is supported by national, regional and local planning policy and the scheme would be located within a landscape character area that could absorb such a development.
- 3.2.3. The Planning officer considered that concerns raised in the further information request were satisfactorily addressed and put forward a recommendation to **grant permission** subject to 10 conditions.

### 3.3. Other Technical Reports

- 3.3.1. The following provides a summary of other internal technical reports.
  - Road Design – Sightlines are satisfactory, significant delivery traffic would occur during construction. **No objection**;
  - Environment Section – Detailed report on file (copy received by the Board on 21<sup>st</sup> April 2017). **No objection** subject to conditions;
  - Conservation officer – No response on file;

- Heritage Officer – No response on file.

### 3.4. Prescribed Bodies

3.4.1. The following provides a summary of reports received from prescribed bodies.

- Dept. Arts, Heritage, Regional, Rural & Gaeltacht Affairs (DAHRRG)– **Requested further information** (Archaeological Impact Assessment including a geophysical survey);
- An Taisce – **No objection** expressed. Makes reference to the need for national and regional strategy for solar developments;
- ESB – **No response** on file.

### 3.5. Third Party Observations

3.5.1. One third-party submission was received. It expressed concerns regarding the impacts which the development would have on Minnistown local road, because it is already heavily trafficked and it is submitted that the scale of the development is not suitable for the area because of impact on the visual character and that the site is unzoned in the County Meath development plan.

## 4.0 Planning History

### 4.1. Appeal site

There is no previous planning history on the appeal site.

### 4.2. Other Similar

There are several solar farm applications which have been decided by the Board, many for smaller scale proposals generally between 4 and 12 MW power output.

Those which are considered of relevance to this appeal are larger in scale and include **PL26.247217** – Permission **refused** for a solar PV energy development within a total site area of up to c.90 hectares in County Wexford (2nd February 2017) and **PL26.247366** – **Split Decision** for the development of a solar photovoltaic array

on c.31.28 hectares separated into two distinct plots located at Bridgetown, County Wexford with an estimated power output of 17 MW. The northern array (11.7 hectares) was granted permission and the southern array (19.5 hectares) was refused (23<sup>rd</sup> March 2017).

There is a proposed solar farm on a 150 hectare site in County Meath currently on appeal to the Board under ref: **PL17.248146**.

## 5.0 Policy Context

### 5.1. EU Directive - Energy from Renewable Resources

5.1.1. EU Directive (2009/28/EC) sets a target of 20% of EU energy consumption from renewable sources and a 20% cut in greenhouse gas emissions by 2020. As part of this Directive, Ireland's legally binding target is 16% energy consumption from renewable sources by 2020. Ireland has set a non-legally binding target of **40% of renewable energy** share for **electricity** by 2020 (from a 2012 position of 19.6%).

### 5.2. National Spatial Strategy for Ireland, 2002-2020 (NSS)

5.2.1. **Section 2.6 - How to Strengthen Areas and Places.** - National and international evidence also demonstrates that rural areas have a vital contribution to make to the achievement of balanced regional development. This involves utilising and developing the economic resources of these rural areas, particularly in agriculture and food, marine, tourism, forestry, **renewable energy**, enterprise and local services.

### 5.3. National Planning Framework (NPF)

5.3.1. A new National Planning Framework is currently being developed to succeed the National Spatial Strategy. The framework is currently at pre-draft stage.

### 5.4. Ireland's Transition to a low carbon Energy Future 2015-2030

5.4.1. This White paper on Energy policy (Department of Communications, Energy and Natural Resources) – December 2015 sets out a vision to reduce greenhouse gas (GHG) emissions by between 80% and 95% compared to 1990 levels, by 2050, falling to zero or below by 2100. It states that new energy solutions such as bioenergy, **solar photovoltaic (PV)** and offshore energy mature and become more cost effective they will be included in the renewable energy mix. The policy

document recognises that **solar photovoltaic (PV) technology** is rapidly becoming cost competitive for electricity generation and that the deployment of solar power in Ireland has the potential to increase energy security, contribute to our renewable energy targets and support economic growth and jobs.

#### 5.5. **National Renewable Energy Action Plan (NREAP) submitted to the EC in 2010.**

5.5.1. The NREAP was submitted to the European commission in 2010. It sets out Ireland's approach to achieving its legally binding targets, with a target of 40% of electricity consumption to be from renewable sources by 2020.

5.5.2. A third progress report on the NREAP was submitted to the European commission in April 2016 which detailed installed capacity of solar power to be 1.38 MW.

#### 5.6. **Planning and Development Guidance Recommendations for Utility Scale Solar Photovoltaic Schemes in Ireland (October 2016).**

5.6.1. This is a research paper by Future Analytics Consulting which contains a set of recommendations on planning policy and development guidance, which it is suggested may contribute to the evidence base that will inform the development of Section 28 planning guidance for Utility Scale Solar Photovoltaic (USSPV) developments in Ireland. It notes that over 100 applications for USSPV developments have been lodged with planning authorities by October 2016 and that an estimated 594 MW had been granted or was on appeal. The combined site area for these schemes is 1,332 hectares. This constitutes 0.03% of the area of land available for agriculture. However, it was also noted that there is currently no REFIT scheme to subsidise the generation of electricity from USSPV sources.

5.6.2. Recommendations include that the development plans set out policy objectives to support USSPV development and put in place development management standards. Agricultural lands are listed amongst the list of types of locations where such development is particularly suited.

5.6.3. Future Analytics Consulting prepared a further **update** in December 2016 which stated that there has been at least 144 utility scale **solar** photovoltaic schemes submitted for planning permission in Ireland on 1,740 hectares with 387 MW capacity **valid applications** and 2,625 hectares with 537 MW (which includes valid applications **and** applications which were invalid, withdrawn and refused). It does not purport to be 100% reflection of the solar planning pipeline but rather for information

purpose only. I have a copy of the list of USSPV schemes attached as an appendix to this report.

#### 5.7. **Food Wise 2025 (Department of Agriculture, Food and the Marine, 2015)**

5.7.1. This document sets out a 10-year vision for the Irish agri-food industry up to 2025. Subject to following actions identified in the strategy, the sector projections are:

- Increasing value of agri-food exports by 85%, Increasing value added in the agri-food, fisheries and wood products sector by 70%, Increasing the value of Primary Production by 65% and the creation of an additional 23,000 direct jobs in the agri-food sector.

To achieve the projections set out above, Food Wise 2025 identifies c.400 recommendations and actions to achieve sustainable growth.

#### 5.8. **Regional Planning Guidelines for the Greater Dublin Area (GDA) 2010-2022**

5.8.1. **Strategic Policy PIP4:** That the ICT and **energy needs** of the GDA shall be delivered through the lifespan of the RPGs by way of investment in new projects and corridors to allow economic and community needs to be met, and to facilitate sustainable development and growth to achieve a strong and successful international GDA Gateway.

#### 5.9. **Local Policy – Meath County Development Plan 2013-2019**

5.9.1. Section 2.2 - **Strategic Planning Approach - Core Principle 8:** To support agriculture and agricultural related development in Meath and strengthen the county as a hub for the vibrant agricultural and food sectors.

5.9.2. Chapter 8 - **Energy and Communications** sets out a number of Energy Policies and objectives, including:

- EC POL: 1 To facilitate energy infrastructure provision, including the **development of renewable energy** sources at suitable locations, so as to provide for the further physical and economic development of Meath;
- EC POL 2: To support international, national and county initiatives for limiting emissions of greenhouse gases through energy efficiency and the **development of renewable energy sources** which makes use of the natural

resources of the county in an environmentally acceptable manner, where it is consistent with proper planning and sustainable development of the area;

- EC POL 3: To encourage the **production of energy from renewable sources**, such as from biomass, waste material, **solar**, wave, hydro, geothermal and wind energy, subject to normal proper planning considerations, including in particular, the potential impact on areas of environmental or landscape sensitivity and Natura 2000 sites;
- EC POL 4: To support the National Climate Change Strategy and, in general, to facilitate measures which seek to **reduce emissions of greenhouse gases**;
- EC OBJ 3: To investigate the preparation of **a renewable energy strategy** promoting technologies which are most viable in County Meath.

**Section 8.1.3 - Renewable Energy:** Meath County Council is committed to developing a more diverse range and combination of energy sources including wind energy, micro hydro power, **solar energy**, biofuels, geothermal (deep and shallow), anaerobic digestion and combined heat and power in order to deliver on the targets set down in the National Renewable Energy Action Plan Ireland.

#### **Section 11.15.1 All Renewable Energy Developments**

In the assessment of individual proposals, Meath County Council will take the proper planning and sustainable development of the area into account and will consider the environmental and social impacts of the proposed development.

**Section 10.8.1. Employment in Agriculture** – To sustain rural communities, farm diversification and new employment opportunities will be required;

**Section 4.4.2 (Biofuels and Renewable Energy)** of the Plan recognises **renewable energy** generation as a growing sustainable industry that can supplement the development of the rural economy of Meath.

- ED POL 5: To recognise the contribution of **rural employment** to the continued and sustainable growth of the economy and to promote this continued growth by encouraging **rural enterprise** generally, especially those activities that are resource dependent, **including energy production**,

extractive industry, small scale industry and tourism in a sustainable manner and at appropriate locations.

## Chapter 4 – Economic Development Strategy

- ED POL 19 – To recognise the contribution of **rural employment** to the overall growth of the economy and to promote this growth by **encouraging rural enterprise and diversification** generally and to promote certain types of rural enterprises, especially those activities which are rural resource dependent, including **renewable energy production**, food production / processing and the extractive industries.

### Section 9.8.6 - Landscape Capacity

- LC OBJ 1: To seek to ensure the **preservation** of the **uniqueness** of all **landscape character types**, and to maintain the visual integrity of areas of exceptional value and high sensitivity.

### Section 9.10 Views and Prospects

- LC OBJ 5: **To preserve the views and prospects** and the amenity of places and features of natural beauty or interest listed in Appendix 12 and shown on Map 9.5.1 from development that would interfere with the character and visual amenity of the landscape.

## Appendix 7 - Landscape Character Assessment (Meath)

The appeal site is located within **LCA 7- Coastal Plains**, which is described as having a **moderate** landscape value<sup>1</sup>, **high** landscape sensitivity<sup>2</sup> and **regional** landscape importance.

### 5.10. Solar PV Development Guidelines in the UK.

- 5.10.1. While there are is planning guidance for the development of solar PV in Ireland or where there should be sites, guidance is well-developed in the UK and this is considered useful as a best practice reference.

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<sup>1</sup> **Moderate Value:** Areas which retain a positive character and a sense of place, or are of local interest or importance.

<sup>2</sup> **High sensitivity** A vulnerable landscape likely to be fragile and susceptible to change. Frequency and sensitivity of users is likely to be high. The introduction of a change is likely to significantly alter the character to the extent that it would be difficult or impossible to restore.

#### 5.10.2. *UK Guidance – PPG for Renewables and Low Carbon Energy (DCLG 2015)*

This guidance includes advice on planning considerations relating to specific renewable technologies, including solar power. It advises against inflexible buffer zones or separation distances. It includes the following points:

- Encourage use of brownfield land and where agricultural land is used should **allow for continued agricultural use**;
- On greenfield sites, **poorer quality** land should be used in preference to higher quality land;
- Consider **visual impacts** and the impacts of **glint and glare** on the landscape, local residents and aircraft safety and the potential to mitigate these impacts for example through **screening** with native hedges.

#### 5.10.3. *Planning Practice Guidance for renewable and low carbon energy (BRE National Solar Centre (UK) 2013)*

This UK national guidance provides similar advice to the PPG, but also includes advice on Environmental Impact Assessment in relation to solar farms. It also provides advisory information on planning application considerations.

#### 5.10.4. *Renewable Energy Planning Guidance Note 2 – The Development of large scale (>50 kW solar PV arrays) – Cornwall (UK) 2012*

- Landscape / visual recognised as one of the most significant impacts;
- Provides specific guidance on planning considerations.

#### 5.10.5. *Devon Landscape Policy Group Advice Note No.2 – Accommodating Wind and Solar PV Developments in Devon’s Landscape – LUC Environment Planning Design and Management – January 2013*

The guidelines recommend siting solar PV developments on lower slopes or within folds in gentle undulating landscapes or on flat plateau sites rather than upper slopes or coastal headlands, and in landscapes with a sense of enclosure. Appendix 2 lists classification of scale as follows: Very small: < 1ha; Small >1 to 5 ha; Medium > 5 to 10 ha; Large > 10 to 15 ha; very large: over 15 ha.

### 5.11. **Natural Heritage Designations**

#### 5.11.1. Sites of International Importance

There are six sites European sites designated under the Habitats Directive located within 15km of the proposed development. These are as follows:

- The River Nanny Estuary and Shore SPA (Site Code 004158);
- Boyne Coast and Estuary cSAC (site code 001957);
- River Boyne and River Blackwater SPA (site code 004232);
- Boyne Estuary SPA (site code 004080);
- The River Boyne and River Blackwater cSAC (site code 002299);
- Cogher Head cSAC (Site Code 001459).

#### 5.11.2. Sites of National Importance

There are seven pNHAs and no NHAs recorded within 10km of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. An appeal was received from **Ronan Diamond**, against the Planning Authority's decision to grant permission. The grounds of appeal centre around traffic volumes, capacity of the local road to accommodate the development and cumulative impacts with the neighbouring soccer pitch.

6.1.2. The main points put forward are summarised as follows:

- A full and proper assessment of the capacity of the local road network has not been carried out (including inaccurate assessment of traffic volumes on the Minnistown road, no provision for users of the adjoining sports grounds included);
- Minnistown road carries excessive volumes of traffic from Bettystown, Donacarney and Mornington to and from Julianstown and the R132 (Dublin-Drogheda route) and the traffic survey doesn't take this or the high volumes of traffic using the road into account;
- Stop-go system proposed is unrealistic.

- 6.1.3. A copy of the appellant's third party submission made to the Planning Authority is attached to the appeal which stated concerns around traffic, scale and its impact on the visual character and that the site is unzoned.

## 6.2. First Party Response

- 6.2.1. A response to the appeal was received from Fehily Timoney on behalf of the applicant. The points made in the response are summarised under as follows:

### Capacity of the road

- Requirement for traffic counts is not necessary as these are only useful for junctions and there is low traffic volume;
- Duration of survey carried out accounted for typical trips including trips to work and school runs and to the surrounding farmsteads;
- Adequate sightlines are available;
- Survey of existing road was carried out using mobile GPS survey equipment and alignment was considered adequate;
- Autotrack analysis was carried out and results demonstrated that a HGV can successfully navigate Minnistown road from the R150 and can enter the site and use the proposed temporary access;
- A banksman will be put in place at the identified pinch point to allow for HGVs to manoeuvre the constraint without creating a traffic hazard.

### Traffic Volumes

- Reference to 1,850 HGVs along with associated traffic that will travel along Minnistown Road (L-4516-0) would be the worst-case scenario which would equate to 18 additional HGV trips per day and when taken in conjunction with associated construction traffic would generate a worst case of 58 trips (29 in, 29 out) per day;

- Since the lodgement of the application, with changes to technology requiring fewer panels, a more likely figure of 1390 trips is anticipated or 14 HGV trips per day (7 in, 7 out);
- Traffic generated during construction will be temporary for a 4-6 month period;
- A detailed traffic management plan will be prepared.

### **Cumulative Impacts**

- Noting the times of the use of the adjoining sports ground (evening and weekends), no conflict will arise and delivery times will be staggered to avoid peak traffic times including schools runs, to minimise the impact.

### **6.3. Observations**

6.3.1. None

### **6.4. Planning Authority Response**

6.4.1. The Planning Authority response states that traffic matters formed part of the request for further information and issues of traffic were fully assessed by the Council's transportation section who expressed no objection to the development. It also states that the traffic generated would be significant for a short period during the construction and would be minimal thereafter during the operation phase.

### **6.5. Further Responses**

6.5.1. The **Planning Authority** state that they have no further comments.

6.5.2. The **third-party** response raises further concerns around traffic impacts and considers the traffic assessment is unrepresentative of the actual traffic situation and is lacking in detailed analyses. It submits that reference by the applicant to an appeal at Clonroche in County Wexford under PL26.247179 should be disregarded as the current appeal site is much larger and has different traffic considerations. The response refers to a development refused under appeal (PL26.247217). It is submitted that the application is premature pending the preparation of a renewable energy strategy for the county.

## 6.6. Invited Responses under S.131

- 6.6.1. The **Heritage Council** was invited to comment on the appeal. No response was received.

## 7.0 Assessment – Proper Planning and Sustainable Development

### 7.1. Introduction

7.1.1. The application site is a greenfield site on agricultural land currently used for tillage. The applicant is seeking a 10-year permission as it is stated the development is dependent on achieving a suitable connection to the grid infrastructure and that the timeframe of such a grid connection offer is unknown at this juncture. A high-level assessment of 2 potential grid connection locations was carried out by the applicant, connecting to either the existing Mornington road 38 kV substation or the existing Julianstown 38 kV substation. Both potential options are presented with the application. In addition, the applicant states that the operation life would be for a 30 year period.

7.1.2. Ireland is seeing an increasing number of solar farm proposals. However, they are dependent on viable grid connections and potentially dependent on Government tariffs, both matters which are not directly relevant to the assessment of this appeal. The grid connection would be subject to a separate consent process.

7.1.3. The main issue which arises in the appeal is whether or not harmful impacts of the proposed development would outweigh the benefits of the development, including the production of electricity from a renewable source, having regard to the location on good quality **agricultural land** and impacts on the **landscape character**. In addition, I have considered **traffic** issues which were the main issues raised by the appellant. I have also assessed the proposal in terms of other relevant planning and environmental issues including **cultural heritage, drainage and flood risk and ecology** and matters around **Environmental Impact Assessment (screening) and Appropriate Assessment**. In addition, I have considered whether or not development contribution condition(s) apply. My assessment of these matters are set out in the following sections of my report.

## 7.2. Principle and Planning Policy

- 7.2.1. There is in-principle support for renewable energy schemes at a national, regional and local policy level which collectively supports a move to a low carbon future and the need to encourage the use of renewable resources to reduce greenhouse gas emissions.
- 7.2.2. At a national level, Ireland's 'Transition to a low carbon Energy Future 2015-2030 - White paper on Energy policy' recognises that solar energy will become more cost effective as technology matures and that it will be an integral part of the mix of renewables going forward. Meath County Council also express support for renewable energy through policies **EC POL 1** and Solar Energy **EC POL 3** subject to normal planning considerations.
- 7.2.3. The current proposal is estimated to have a potential output of 20 MW which would be capable of generating enough clean electricity to power 3,760 households and which would in turn result in a net displacement of c.8,680 tonnes of CO<sub>2</sub> per year. It is stated that this would be equivalent to the removal of 2,170 family cars from the road each year.
- 7.2.4. The development would clearly contribute to the national targets set for Ireland of 40% of the country's electricity to come from renewable sources by 2020 as part of its mandatory obligation under the EU Renewable Energy Directive 2009/28/EC to source 16% of all energy consumed from renewable sources by 2020. These targets are required to reduce greenhouse gas emissions and to ensure a secure energy supply and the positive benefits which the development would make towards achieving these targets is a strong material consideration in favour of the proposal.
- 7.2.5. I note the Board recently refused permission for a solar farm development and issued a split decision on another, both in County Wexford. I have listed those in Section 4 above. Whilst I am mindful of these decisions, this proposed development differs, particularly in terms of its location, and is guided by different local planning policy by virtue of a different development plan. I have therefore considered this appeal on its own merits.
- 7.2.6. I am satisfied that there is a presumption in favour of the proposal which is supported by policy referenced above and therefore the development would be acceptable in principle unless adverse impacts of the proposal would significantly outweigh the

benefits, when assessed against wider planning policy. I have considered these in the remainder of my assessment.

### 7.3. Use of Agricultural Land

7.3.1. The development would be sited on agricultural land currently used for tillage. In the absence of national guidance in Ireland around where solar farms should be located, I have noted UK guidance which is well developed. Collectively the UK guidance seeks to direct large-scale solar power developments to previously developed land and industrial land in the first instance. The UK has a grading system for land, ranging from Grade 1 (most productive) to Grade 5 (most marginal). Where solar farms are to be developed on agricultural lands, UK policy directs solar farms to lands graded 3b-5. There is no such grading system in Ireland and specifically there is no policy which precludes the development of solar farms on agricultural land used for tillage and grazing, which is relevant in the context of the assessment of this appeal.

7.3.2. I have also considered Government's agricultural strategic vision as set out in **Food Wise 2025** which supports increasing the value of agri-food, fisheries and wood production sector by 70% and the value of food exports by 85%. These are high level national targets and there is no evidence to suggest that the development of this solar farm on a gross area of 43 hectares in County Meath would compromise the value of agri-food or the value of food exports such as would outweigh the benefits of the necessary renewable energy development. The strategy includes a recommendation to develop on-farm diversification. It identifies a suite of recommendations and actions, on a sub-sectoral basis, none of which include reference to restriction of land use.

7.3.3. The solar farm would also support economic growth in its rural area through farm diversification which is supported in the Meath CDP 2013-2019 including ED POL 5 (encourage rural enterprise including energy production) and ED POL 19 (promote rural enterprise including renewable production).

7.3.4. Economic benefits in the local economy would arise from employment during the construction stage mainly, while also making a contribution to securing energy supplies and reducing the need for energy imports thereafter. Agriculture of a

different nature can continue with the PV solar arrays in place. Sheep grazing is the most common use of lands in this context and is proposed with this PV solar farm. Food Wise 2025 states that the sheep industry has grown significantly in recent years and envisages further growth opportunities would be offered in this sector arising out of a sharp increase in consumer demand.

7.3.5. The temporary duration of the use as submitted by the applicant is also noted, after which time the PV solar arrays would be removed. Consequently, while the loss of agricultural land would occur for a long term period of 30 years, it would not be a permanent loss.

7.3.6. There is no evidence provided to suggest that solar farms in Ireland are required to be sited on lands which would exclude lands currently used for tillage. Neither is there any evidence that there would be sufficient other land available and deliverable in the right locations, proximate to suitable grid connection locations for the delivery of PV solar required to contribute to the overall requirement of renewable energy. As noted in the document 'Planning and Development Guidance Recommendations for Utility Scale Solar Photovoltaic Schemes in Ireland' (October 2016), the combined site area for schemes which had been lodged with the Planning authorities at that time constituted 0.03% of the area of land available for agriculture. This is a very small percentage of land take and in my view could not reasonably compromise the delivery of the Food Wise 2025 agricultural strategic vision which supports increasing the value of agri-food. It is of relevance to note that the deliverability of the solar farms permitted will be dependent on a number of factors, including viable grid capacity which will only become known when transmission grid offers are made and subsequently taken up. It is also relevant that agricultural use of a different kind (e.g. sheep farming as proposed in this solar farm) can also continue as a dual use of the land. As sheep growth opportunities into the future are envisaged under Food Wise 2025 driven by increase in consumer demand, in the absence of evidence otherwise, this dual use of land can be considered a sustainable mix in my view.

7.3.7. On balance, and noting the benefits of the scheme which would make a significant contribution to national renewable energy provision and which would continue to provide renewable energy beyond 2020, I am satisfied that the siting of the solar farm is acceptable on the agricultural lands on which it is proposed.

## 7.4. Traffic and Access

- 7.4.1. The main concerns raised by the appellant in this appeal centre on traffic, including the capacity of the local road (L-5616-0) to accommodate the development and cumulative impacts with the adjoining soccer pitch.
- 7.4.2. The delivery route would be via the M50 and M1 onto the regional roads R132 and R150. Access to the site would be from the local road to the east of the site. An internal access road would be formed to accommodate construction traffic.
- 7.4.3. Initially it was stated that the anticipated traffic movements during construction would be in the region of 1,850 HGV movements per day over the installation period which is estimated to be 4-6 months followed by additional lesser volumes for a further 4-6 months. It is also stated that a review of the traffic revealed that this figure would more likely be 1,390 trips (695 trips in and 695 trips out, equating to 7 HGV trips in and 7 out per day), having regard to improvements in technology and efficiencies where a reduction in panels required to achieve the same output. It is further stated that a detailed traffic management plan would be prepared in consultation with local residents and the majority of traffic would be directed to the site at off peak times. It is further stated that there would be no conflict in traffic patterns with the adjoining football club grounds given its normal hours of use at off-peak times. I recommend that construction traffic management proposals be required as part of an overall construction management plan, regulated by condition in the event of a grant of planning permission.
- 7.4.4. The bulk of heavy traffic movement would occur in the **construction phase**. The local road has an average width of 4.5 m and the access point has adequate sightlines. Two pinch points are noted on the local road. An Autotrack analysis of the haul route was undertaken, the results demonstrate that a HGV can successfully navigate Minnistown Road from the R150 to the site entrance and onwards into the site. It is proposed to have a banksman to assist in the traffic movement along the local road.
- 7.4.5. The proposed development would generate very low levels of **operational traffic**, for occasional maintenance visits and sheep-farming. Traffic during the **decommissioning phase** would be short term and less traffic would be generated in this phase than in the construction phase.

- 7.4.6. I am satisfied that no material intensification would arise because of the operation of the proposed development, and that the safety and carrying capacity of the road network would not be prejudiced. I consider that the effects of construction traffic on the operation of the road network would be acceptable considering that it is stated would be for a defined period of 4-6 months. This will be followed by additional lesser volumes for a further 4-6 month period and a construction management plan will be prepared to include liaising with stakeholders including local residents.
- 7.4.7. Overall, I am satisfied that the traffic which would likely be generated during construction, operation and decommissioning phases would not constitute a traffic hazard and the development should not be refused for traffic reasons.

## 7.5. Landscape Character and Visual Amenity

- 7.5.1. The appeal site sits within a mildly undulating landscape on the northern slopes of the River Nanny valley. Hedgerow boundaries surround the fields.
- 7.5.2. The closest settlement is Jullianstown, located c.1 km to the south west. Laytown is located c.1.5km to the east and Drogheda is c. 4km north east. The R132 and R150 lie 500m from the nearest point of the site, west and south respectively and the local road (L-5616-0) lies to the east. There are a number of individual houses along these roads.
- 7.5.3. In terms of policy, the proposed site is located within 'LCA7 – Coastal Plain' in the Meath County Development Plan, which is deemed to have a **moderate landscape value, high landscape sensitivity** and **regional landscape importance**. The potential capacity for this landscape (LCA7) to accommodate various types of development are provided, however a solar farm is not a listed category, most likely as it is a new type of development in Ireland and Meath. The impact on the landscape is submitted to be moderate to slight for the site and its immediate surrounds, reducing to slight to imperceptible within a relatively short distance of c.500m as the scheme becomes proportionally smaller in the wider landscape.
- 7.5.4. Fig 12-4 of the Landscape Impact Assessment and Visual Impact Assessment (LVIA) presented with the application includes a terrain based ZTV map which indicates views of the development for a 5km radius. The greatest extent of theoretical views is noted within the immediate vicinity of the site and for a

substantial area south of the development. The applicant selected six no. receptor locations to ascertain impacts on visual receptors, including view one (VP1) from the local road at Bellewstown which is a view classified as of 'regional' significance in the Meath CPD and view six (VP6) from Brú na Bóinne, world heritage site located some 13.2km distant.

7.5.5. It is submitted that there would be no visual impact beyond slight to imperceptible which would only occur from the designated scenic view along the local road at Bellewstown, VP1, based on screening by intervening topography and existing and augmented hedgerows. Visual impacts from other viewpoints would be imperceptible or in the case of view six, VP6, there would be no view.

7.5.6. There is no doubt that a development of this size and scale would be extensive and a new departure from the established landscape locally. The applicant submits that it would offer a higher degree of uniformity than other forms of commercial development that might be placed on a rural landscape such as a wind farm, an ESB substation or a water treatment plant for example. The development occupying 43 hectares is of a scale well in excess of the referenced developments and while the height of the individual solar panels is not significant, the proposal would give rise to a uniform appearance contrary to the subtle changes in land colour and texture currently apparent. It is clear that the proposal would alter the landscape character of the immediate area by the introduction of the scale of solar arrays proposed. The scale of the development would be unlike anything else in the area. Nonetheless, given the wide open skies and panoramas that characterise the area, the development would not be the defining characteristic of the wider area. In addition, the field pattern defined by hedgerows would still remain and serve to break up the development to some extent which together with the low height of the development would serve to mitigate the impacts on landscape character in the wider area. The applicants propose to screen the development from view by allowing the existing hedges to mature to a greater height of 5m and to augment the existing hedgerows with additional native landscape. This would in time reduce the visual impacts from wider views.

7.5.7. The site boundary to the east is currently without a hedge and new planting would take some time to become established and would be unlikely to be screened for 5-7 years. This would only be a section of the overall site as there are hedgerows

located on the western side of these fields which would provide screening. The CCTV poles would be visible in the local area but these are not significantly different to a standard electricity or telegraph pole and their impact would not be greater than slight to imperceptible. The substation would be screened from public view with appropriate landscaping and this would mitigate its visual impact. The electrical transformer/invertor stations would be smaller than the substation and would not have a substantial impact on the landscape.

- 7.5.8. Based on information on file and in particular that gathered during my visit to the site and environs, the full extent of the development would not be seen at ground level from any one view point and it would be broken up by hedgerows. Having regard to the retention and proposed augmentation of site boundaries and its location away from sensitive receptors, I am satisfied that while the development post mitigation would likely result in a moderate degree of landscape and visual impact.
- 7.5.9. Following decommissioning, there would be no residual landscape or visual impacts.
- 7.5.10. With the implementation of the proposed planting measures, the development would not be contrary to Objective LC OBJ 1 of the current development plan for Co. Meath, which seeks to ensure the preservation of the uniqueness of all landscape character types and maintain the visual integrity of highly sensitive landscapes or LC OBJ 5 which seeks to preserve the views and prospects and amenity of places and features of natural beauty or interest.
- 7.5.11. Overall it is considered that the landscape and visual impacts would be constrained to land within and close to the site and impact on the surrounding landscape beyond the appeal site are not considered harmful as to outweigh the benefits of providing a renewable energy source,

## 7.6. **Glint and Glare**

- 7.6.1. Glint results from reflection of the sun off a surface and is seen as a momentary flash of bright light. Glare is a continuous source of brightness from the reflection of diffuse solar radiation.
- 7.6.2. Solar panels are normally dark in colour and designed to absorb daylight and therefore have a low level of reflectivity (or glare) when compared to other surfaces such as window glass, still water or snow. Any glint which would occur, would do so

for short periods when the sun is shining above the plane of the PV panels. The proposal to allow hedging to grow taller would mitigate the potential impact to some extent.

- 7.6.3. The glint and glare study on file identified and considered these impacts on 28 receptors, including road users. It identifies 12 receptors who could potentially experience solar reflection as **road users** for short periods of time within the time periods of 06.05-06.45 GMT (or in the case of 6 receptors between 06.05 and 06.30) for some months of the year. However, based on Google streetview imagery, it is submitted that no impact is expected because of existing screening at the receptor locations.
- 7.6.4. Solar reflection effects were examined for 95 **dwelling**s. The results are stated as either that solar reflection is not geometrically possible for 53 of the dwellings or where it is possible from 42 of the dwellings, that a review based on Google streetview imagery, no impact is expected because of existing screening at these receptor locations.
- 7.6.5. In response to a request for further information, the applicant outlined further details of screening measures which would take place on site.
- 7.6.6. The solar farm is intended to be well screened from houses and road users. If it cannot be seen, then there is no possibility of a solar reflection being experienced. I am satisfied that glint and glare would not result in any significant adverse impact on established amenities.

## 7.7. **Cultural Heritage**

- 7.7.1. There are no protected structures or structures listed in the National Inventory of Architectural Heritage (NIAH) located within the proposed site. The two closest protected structures lie to the south west of the site and include Saint Mary's Church of Ireland Church in Julianstown west (NIAH ref. 14323008 and Sexton's House (Julianstown house) in Julianstown west (NIAH ref: 14323009). The Church of Ireland site is discussed further below under archaeological heritage.
- 7.7.2. There are no recorded archaeological monuments within the boundary of the proposed development. The area is nonetheless one of archaeological potential. Two national monuments lie within 5km of the site (Barrow – mound barrow – Ref:

551-ME028-006 and Cross-Wayside cross – Ref: 547 ME028-015). There are 41 recorded monuments within 2 km of the site, the nearest being RMP ME028-001 Church and Graveyard, c.200m south west of the proposed development site boundary but the solar farm itself lies c.460 from the monument. There is no evidence of the medieval church today but certain features would appear to be still present. Views from the Church and the graveyard towards the site are limited because of the intervening vegetation along the field boundaries.

- 7.7.3. A large number of crop-marked enclosures are also identified within 2km of the site. The closest is ME028-052, c.219m to the east of the appeal site boundary. Ballygarth Castle (ME028-022) lies 780m south of the site.
- 7.7.4. The installation phase of the development would not be very invasive as it does not require significant earthworks. Nonetheless, there is some potential for impact on as yet unknown sub-surface archaeological features, if these are present within the appeal site.
- 7.7.5. Chapter 10 of the Environmental Report submitted includes an archaeological and cultural assessment of the proposed development. The assessment included world heritage sites within 25km, national monuments within 5km and recorded monuments within 2km of the site. No impacts are envisaged on Brú na Bóinne prehistoric site (c.10 km west) or The Hill of Tara (c.19 km south west). Neither are there any impacts envisaged on any national or recorded monuments. Mitigation measures to deal with any potential sub-surface archaeology include monitoring of groundworks, archaeological monitoring and maintaining existing field boundaries.
- 7.7.6. Having reviewed the archaeological and cultural assessment and noting that the development is large scale in extent, the DAHRRG considered the information was not sufficient to allow for an informed decision. Further information was requested including the carrying out of a geophysical survey.
- 7.7.7. In the response, the applicant seeks to justify why a geophysical survey requirement should be deferred and dealt with as a planning condition should permission be granted and accordingly no such geophysical survey was carried out or submitted. The justification was based on the DAHRRG's (National Monuments Service) 'Solar Farm Development – Internal Guidance Document' in which it states that

geophysical survey should be based on specific and verifiable indicators of archaeological potential (e.g. close proximity to known archaeological monuments).

- 7.7.8. Given the proximity of the site to 41 recorded monuments and 2 national monuments, I consider that the DAHRRG's request for a geophysical survey in an area recognised for archaeological potential is merited and I note that the National Monuments Service document referred to by the applicant also states that such a request (geo-physical survey and or testing) '*will be a matter of judgement in particular cases*'.
- 7.7.9. While the issue of archaeological potential is not entirely resolved at this stage, on balance I accept the matter can be addressed by way of a planning condition to ensure the development would not adversely impact on the archaeological potential of the site. I note the Planning Authority attached an archaeological condition to their planning decision setting out the outstanding requirements of the DAHRRG. Should the Board be minded to grant permission, I consider a similar condition should attach to ensure archaeological heritage is preserved.
- 7.7.10. Overall, subject to the attachment of an archaeological condition, I consider that the development would not give rise to unacceptable impacts on cultural heritage of the area.

## 7.8. **Drainage and Flood Risk**

- 7.8.1. The site drains northwards towards the Mornington Stream which itself flows into the sea at Bettystown. Based on a review of the Preliminary Flood Risk Assessment ('PFRA') maps prepared by the OPW, the site is not in a fluvial floodplain area. Pluvial flooding is indicated in a small area along the proposed internal access road and along the south west boundary of the site. It is presented as Figure 8.2- OPW Flood map area in Appendix A of the Environmental Report.
- 7.8.2. It is stated that within these areas, the panels would be raised by a minimum of 300 mm above the maximum flood level and that all services (cables etc.) would be designed and installed to be flood resilient / water compatible and that deer fencing would be used for security, in order to avoid blockages obstructing the natural surface water flows. Inverter stations, switch-gear units, transformers and the sub-station would all avoid the areas shown to be subject to pluvial flooding on the site.

- 7.8.3. Taking into account the mitigation measures proposed, I am satisfied that the development (including construction, operational and decommissioning phases) would not negatively impact on the current drainage regime or increase the risk of pluvial flooding which currently exists. Precipitation would infiltrate naturally into the ground and surface would drain naturally, following the existing hydrology. The nature of the site and the development is such that the proposal would not increase flooding elsewhere or displace water and thus increase flooding to other land and properties.
- 7.8.4. Overall, having regard to the above, I am satisfied that the development should not be refused for impacts of surface water drainage or flood risk.

## 7.9. **Ecology**

- 7.9.1. The appeal site is not situated within the boundary of any cSAC or SPA. A Natura Impact Assessment was undertaken which I have considered under Section 7.10 of my assessment below. There are no NHAs within 10 km of the site. Mitigation measures are proposed to reduce potential impacts on water quality including drainage management and pollution control and good construction management, no removal of trees or hedgerow trimming between March 1<sup>st</sup> to August 31<sup>st</sup>.
- 7.9.2. I agree with the assessment conclusions and consider that there is no reasonable likelihood of significant ecological impacts arising during the construction, operational or decommissioning phases of the development. Ecological enhancement measures include planting of native hedgerow and tree species, create biodiversity areas, insect hotel, bat boxes, kestrel and barn owls, scrub and rough grassland buffers and the addition of a wildlife pond are proposed. These measures would no doubt enhance and improve the ecological value of the site and increase biodiversity by improving habitats.

## 7.10. **Appropriate Assessment**

- 7.10.1. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site

in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site.

- 7.10.2. The closest Natura 2000 site to the appeal site is the River Nanny Estuary and Shore SPA (Site Code 004158) which at its nearest point is located c.1km south/south west of the appeal site. The Boyne Coast and Estuary cSAC lies c.3km north east of the site.
- 7.10.3. The applicant undertook screening for appropriate assessment which determined that there could be effects on the River Nanny Estuary and Shore SPA (Site Code 004158) and a remote risk to the Boyne Coast and Estuary cSAC (site code 001957) because of indirect effects via hydrological links from the proposed development, in the absence of mitigation measures. It also considered that there is the possibility of cumulative impacts on water quality because of construction impacts from other agricultural, residential and industrial activities within the catchment area of both European sites.
- 7.10.4. Four other sites were considered in the AA screening stage but ultimately screened out as these were considered to not have any direct impact. These sites include River Boyne and River Blackwater SPA (site code 004232), Boyne Estuary SPA (site code 004080), River Boyne and River Blackwater cSAC (site code 002299) and Cogher Head cSAC (Site Code 001459). The AA screening stage also considered the 2 potential grid connection options and it has been assumed that the grid connection routes would run within/along the existing public road network to either Julianstown 38 kV substation or Morningtown Road 38 kV substation. There are no designated Natura 2000 sites along either route.
- 7.10.5. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a **screening determination**, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on the following European sites, in view of the sites' conservation Objectives and that a Stage 2 Appropriate Assessment is not required in respect of these four sites.
- 7.10.6. A **Stage 2 appropriate assessment** was undertaken and a Natura Impact Statement prepared in respect of River Nanny Estuary and Shore SPA (Site Code 004158) and Boyne Coast and Estuary cSAC (site code 001957), both which were

brought forward for Appropriate Assessment following the Stage 1 screening. The potential impacts (direct /indirect and in-combination effects) of the development on each of the sites concerned was examined in light of the site's conservation objectives.

- 7.10.7. I am satisfied that the information presented is adequate to undertake an Appropriate Assessment of the proposed development.
- 7.10.8. At Stage 2 (Appropriate Assessment), the key species and habitats for European Sites potentially impacted by the development were noted. The conservation objective for the River Nanny Estuary and Shore SPA (004158) is to maintain the favourable conservation condition of the wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it. The conservation objective for the Boyne Coast and Estuary cSAC (001957) is to maintain or restore the favourable conservation condition of the Annex I habitat(s) for which the cSAC has been selected.
- 7.10.9. The qualifying features of interest for the River Nanny Estuary and Shore SPA are listed as: (Oystercatcher (*Haematopus ostralegus*) [A130], Ringed Plover (*Charadrius hiaticula*) [A137], Golden Plover (*Pluvialis apricaria*) [A140], Knot (*Calidris canutus*) [A143], Sanderling (*Calidris alba*) [A144], Herring Gull (*Larus argentatus*) [A184], Wetland and Waterbirds [A999]).
- 7.10.10. The qualifying features of interest for the Boyne Coast and Estuary cSAC are listed as: (Alkaline fens [7230], Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, *Alnion incanae*, *Salicion albae*) [91E0], *Lampetra fluviatilis* (River Lamprey) [1099], *Salmo salar* (Salmon) [1106], *Lutra* (Otter) [1355]).
- 7.10.11. No part of the development encroaches into the cSAC or the SPA sites. The potentially significant effects to the conservation status of the qualifying interests of the sites are listed in Table 4.5 of the NIS. These include the possible decrease in habitat quality and/or prey availability from sedimentation or pollution.
- 7.10.12. Cumulative impacts considered include agriculture and other development in the area. Planning applications granted during the last five years in the area proximate to the site were considered. Collectively the potential impacts considered include the potential increase in nutrient levels of local watercourses, habitat loss due to land reclamation and drainage. As there would be no loss of hedgerows or treelines as a

result of the development, there would be no loss of semi-natural habitats and a cumulative impact in relation to direct habitat loss would not likely arise.

- 7.10.13. Mitigation measures proposed are set out in Section 4.7 of the NIS. These include avoiding construction during periods of high rainfall, settlement ponds, silt traps and silt fencing, re-use or removal off site of excavated subsoil, drainage management, excavating trenches for cables in dry weather and appropriate training to personnel on pollution incident control response, wheel washing, re-fuelling procedures and monitoring of water quality to ensure that drainage and environmental measures employed are adequate. In relation to ecology, mitigation measures include that vegetation will not be disturbed during the nesting season, March 1<sup>st</sup> to August 31<sup>st</sup>. Taking into consideration the mitigation measures outlined, no predicted cumulative impact on the River Nanny Estuary and Shore SPA and Boyne Coast and Estuary cSAC are predicted.
- 7.10.14. The proposed drainage measures are quite limited and not such that would alter the existing drainage regime significantly. I would agree therefore that provided the proposed mitigation measures are implemented to prevent pollution, siltation or sedimentation of any watercourse, the proposed development is not likely to adversely affect the integrity of these two European sites, River Nanny Estuary and Shore SPA (Site Code 004158) and a remote risk to the Boyne Coast and Estuary SAC (site code 001957), having regard to these sites' conservation objectives.
- 7.10.15. Subject to the implementation mitigation measures proposed, I accept that no significant cumulative effects would arise to relevant qualifying interests from the proposed development in combination with the permitted and proposed developments.
- 7.10.16. I consider it is reasonable to conclude on the basis of the information on file, which I consider adequate in order to carry out a **Stage 2 Appropriate Assessment**, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Nanny Estuary and Shore SPA (Site Code 004158) and the Boyne Coast and Estuary cSAC (site code 001957) in the light of their conservation objectives.

## **7.11. Requirement for Environmental Impact Assessment**

7.11.1. Solar farms are not listed as a class of development under Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, whereby a mandatory EIA and the submission of an EIS would be required. I note that there are some projects under No. 3 of Part 2, 'Energy Projects' which relate to energy production. I consider that none of these projects would be applicable to a solar farm as proposed. Article 92 of the Planning and Development Regulations, 2001, (as amended) defines sub-threshold development, i.e. 'development of a type set out in Schedule 5 which does not exceed a quantity, area or other limit specified in that Schedule in respect of the relevant class of development'. As I have considered above that the solar panel development is not a development set out in Schedule 5, then I would also consider that the subject development is a not 'sub-threshold development' for the purpose of EIA and an EIS is not required.

## **7.12. Other - Development Contributions**

7.12.1. Meath County Development Contribution Scheme 2016-2021 sets out contributions payable in respect of renewable energy initiatives for export to the grid on the basis of €1000 per 0.1 MW. Accordingly, a S.48 development contribution condition should attach in the event of a grant of permission.

## **8.0 Recommendation**

8.1. Further to the above assessment of matters pertaining to this appeal, including the consideration of the submissions made in connection with the appeal and based on information gathered during my site inspection, I recommend that permission should be granted for the reasons and considerations set out directly below.

## **9.0 Reasons and Considerations**

9.1. Having regard to national and regional policy which supports the delivery of renewable energy, to the provisions of the Meath County Development Plan 2013 – 2019 which mirrors this policy at a local level, to the nature and scale of the proposed development, the continued agricultural use and improved biodiversity

which would result and to the stated environmental commitments, it is considered that, subject to compliance with the conditions set out below, the development would make a significant positive contribution to Ireland's renewable energy targets and support policy and objectives to mitigate and adapt to climate change, would be in accordance with the policies and objectives of the applicable development plan for the area which seek to encourage the development of renewable (including solar) energy, would not adversely affect the surrounding landscape and its visual character or give rise to unacceptable environmental impacts which would outweigh the benefits of the scheme in making a significant contribution to national renewable energy provision, would be acceptable in terms of traffic safety and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 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 submitted to the Planning Authority on the 22<sup>nd</sup> day of December 2016, 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 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.

3. The permission shall be for a period of 30 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.

**Reason:** To enable the planning authority to review the operation of the solar array in the light of the circumstances then prevailing.

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. The proposed development shall be undertaken in compliance with all environmental commitments made in the documentation supporting the application.

**Reason:** To protect the environment.

6. (1) Existing field boundaries shall be retained, and new planting undertaken in accordance with commitments made in Section 12.3 of the Environmental Report submitted with the planning application and further information received by the planning authority on 22<sup>nd</sup> December 2016. Revised drawings indicating existing and proposed landscaping, including augmentation of existing boundary trees and hedgerows, new planting taking into account the eastern boundary where currently no hedgerow exists for part and any trees or planting proposed to be removed, shall be submitted for approval by the Planning Authority prior to commencement of the development.

(2) All landscaping, including augmentation of existing boundary trees and hedgerows, shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased within five years from planting 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.

**Reason:** In the interest of biodiversity, the visual amenities of the area, and the amenities of dwellings in the vicinity.

7. The inverter/transformer stations shall be dark green in colour. The external walls of the proposed substation shall be finished in a neutral colour such as light grey or off-white; the roof shall be of black tiles.

**Reason:** In the interest of the visual amenity of the area.

8. (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) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.
- (d) The solar panels shall have driven or screw pile foundations only, unless otherwise agreed in writing with the planning authority.
- (e) Cables within the site shall be located underground.

**Reason:** In the interest of clarity, of visual and residential amenity, traffic safety, and to allow wildlife to continue to have access to and through the site.

9. (a) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, shall be submitted to and agreed in writing with the planning authority.

(b) On full or partial decommissioning of the solar array, or if the solar array ceases operation for a period of more than one year, the site, including access road (if required by the planning authority), shall be restored and structures removed in accordance with the said plan within three months of decommissioning/cessation, to the written satisfaction of the planning authority.

**Reason:** To ensure the satisfactory reinstatement of the site on full or partial cessation of the proposed development.

10. 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) Engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site which shall include the results of an archaeological geophysical survey across the development site. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.

(b) The archaeologist should carry out any relevant documentary research and inspect the site. Test trenches may be excavated at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the site drawings.

(c) Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs prior to commencement of any site operation (including hydrological and geotechnical investigations). Where archaeological

material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

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.

11. The construction of the 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 development, including hours of working, noise management measures, the management of construction traffic and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

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 reinstatement of public roads that may be damaged by construction transport 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 reinstatement of public roads that may be damaged by construction transport.

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 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.

14. 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.

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Patricia Calleary

Senior Planning Inspector

18<sup>th</sup> May 2017