



An  
Bord  
Pleanála

## Inspector's Report PL17.248823

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<b>Development</b>	10-year permission for the construction of an up to 12.5MW solar PV farm within a site area of 20.21HA and associated site works.
<b>Location</b>	Irishtown, Kilbrew, Co. Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	AA/161238.
<b>Applicant(s)</b>	Power Capital Renewable Energy Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	1. The Painestown Hill Committee 2. Clódagh O'Sullivan and James Muldowney.
<b>Observer(s)</b>	An Taisce
<b>Date of Site Inspection</b>	15 <sup>th</sup> September 2017.
<b>Inspector</b>	Patricia Calleary.

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## 1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 20.21 Ha is located in a rural area at Irishtown, Kilbrew, Co. Meath. It is located between Ashbourne and Dunshaughlin, c. 7km from each. It is bounded between and accessible from the L-50072-0 and L-5003-44 local roads, close to the N2.
- 1.2. The site contains four fields currently in use as agricultural (tillage) lands. It is sloped from c.113 m AOD on the north eastern corner to 100 m AOD on the south western corner. The fields are divided by mature hedgerows. Mature hedgerows also bound the site along the local access roads to the north east and south west of the site. A public water storage facility is located on the north eastern boundary of the site.
- 1.3. Several houses are located along both local roads and the wider area is characterised by agricultural uses and individual houses.

## 2.0 Proposed Development

- 2.1. As set out on the public notice which accompanied the application, the development would consist of the construction of a 12.5 MW solar PV farm comprising approximately 48,100 no. photovoltaic panels on ground mounted frames within a site area of 20.21 hectares. It would also consist of associated ancillary development including 10 no. transformer stations, 10 no. auxiliary transformer stations, 10 no. inverters, 1 no. client side substation, 1 no. single storey storage building, 1 no. single storey communications building, 1 no. single storey DNO building, 4 no. CCTV security cameras mounted on 4 metre high poles and perimeter security fencing (2 metres high) and the formation of a new access to the site from the adjoining L5003-44 road on the north east boundary.
- 2.2. While not forming part of the planning application, the proposed development is intended to connect to the national grid infrastructure at Knavinstown, c.2.5km south east of the appeal site.
- 2.3. Following a request for further information, the number of panels was reduced to c. 44,500 as a result of revisions and an increased protection zone around a recorded monument (RMP No. ME38-011).

- 2.4. It is stated that the solar panels have a design life of 25 years and that following construction, the land in and around the arrays would be used for grazing. It is proposed that the equipment would be removed after their design life and the site would be returned to general farming operations.
- 2.5. In addition to the normal enclosures, the planning application was accompanied by the following:
- Planning Statement
  - Landscape and Visual Impact Assessment
  - Glint Assessment Report
  - Construction Management Plan
  - Access Report
  - Construction Traffic Management Report
  - Appropriate Assessment Stage 1 Screening Report
  - Ecological Appraisal and Biodiversity Action Plan
  - Archaeological Impact Assessment
  - Landscaping Management Plan Details
- 2.6. Further information was requested by the planning authority during their assessment of the application. The response to this request was accompanied by an Archaeology Impact Assessment report, Welfare Facilities, Ground Disturbances report and a Noise report. Additional Planning drawings and Landscape drawings were also included. The further information was deemed significant and was publically re-advertised.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The Planning Authority issued a notification of a decision to grant permission subject to 22 conditions, including the following:

- C2: All structures required to be removed off site no later than 25 years from the date of commencement of the development;
- C5: Noise Limits specified;
- C6: Environmental complaints register to be made available for inspection;
- C16: Archaeological pre-testing;
- C22: A section 48 development contribution of €125,000 for social infrastructure.

### 3.2. Planning Authority Reports

3.2.1. The Planning Officer's initial report is summarised as follows:

- Development is broadly acceptable and supported by national and local policy;
- Traffic generated would be short term and the road network has capacity for the loading which would be generated during the construction phase;
- Views of the development would be negligible and having regard to the mitigation proposed, views would be practically eliminated after Year 3;
- Provides a summary of the Glint and Glare assessment which determined that glint and glare issues would not be significant;
- Applicant should examine noise during construction and operation (require this by a further information request);
- No significant impacts on water quality would likely arise and the site is not located in an identified flood zone;
- Based on SI information, soils would appear to be capable of hosting the development with minimum intervention;
- Having regard to the presence of a recorded monument (ME38-011) on site and recommendations of by the Development Applications Unit (DAU) of the

Department of Arts, Heritage, Regional, Rural and the Gaeltacht (DAHRRG)<sup>1</sup>, further information required;

- Development would appear to have a positive impact on ecology and biodiversity of the area;
- Appropriate Assessment Stage 2 not required;
- Grid connection preferred route noted.

3.2.2. A request for further information was sought principally on matters around noise and archaeology. Following a receipt of further information, the planning officer's second report generally stated as follows:

- A revised archaeological impact assessment received was considered by the Development Applications Unit (DAU) of the DAHRRG who recommend conditions attach to any grant of permission;
- Noise impact assessment has been received by the applicant. Environment section considered the further information and state they have no objections subject to conditions.

3.2.3. A recommendation to grant permission was put forward.

3.2.4. Other Technical Reports

- Road Design: No objection;
- Environment Section: Following receipt of further information, no objections subject to conditions;
- Conservation Officer: No response;
- Heritage officer: No response.

### 3.3. Prescribed Bodies

- **DAHRRG (Now Department of Arts, Culture and Gaeltacht): Dev Apps Unit:** Following receipt of further information, no objection raised subject to a

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<sup>1</sup> The Department currently responsible for Archaeology is now the Department of Department of Arts, Culture and Gaeltacht (DACG).

condition pertaining to pre-development testing be included in any grant of planning permission;

- An Taisce – No objection expressed. Makes reference to the need for national and regional strategy for solar developments;
- ESB – No response on file.

### **3.4. Third Party Submissions/Observations**

3.4.1. Two third party observations were received from The Painestown Hill Committee group, as well as Clódagh O’Sullivan & James Muldowney, and observations from both parties were also received on the further information response. Concerns raised are similar to those included in the grounds of appeal.

### **3.4.2. Representations**

3.4.3. A representation was also received from Cllr. Claire O’Driscoll stating her opposition to the development in the context of the absence of national guidelines.

## **4.0 Planning History**

### **4.1. Appeal site**

4.1.1. There is no recent planning history associated with the appeal site.

### **4.2. Vicinity**

4.2.1. A decision to grant permission issued from Meath County Council for the construction of a house c.400m to the east of the site at Kilmoon, Ashbourne, Co. Meath under AA170602 on 27<sup>th</sup> September 2017.

4.2.2. The Planning Authority are currently considering an application for a 35MW solar farm at Reask, Ashbourne, Co. Meath, which is c. 1.7km south west of the appeal site.

### **4.3. Similar developments**

4.3.1. The Board will be aware of a number of solar farm applications which have been decided on appeal. Some recent examples include:



- **PL14 .246850** – Permission granted by the Board for a solar farm with an export capacity of approximately 4.2MVA and all associated works at Lisnageeragh, Edgeworthstown, Co.Longford (07.11.2016);
- **PL27. 246527** – Permission granted by the Board for a Solar PV Energy Development in County Wicklow on 13.76 Ha. (18.08.2016);
- **PL04.245862** - Permission granted by the Board for a Solar PV Energy Development in County Cork. (16.06.2016);
- **PL08 .247653** – Permission granted for a solar PV Farm on a site of 12.1 Ha site with an export capacity of c.4MW at Ballygrennane, Listowel, Co. Kerry (26.04.2016).

There are a number of other solar farm applications currently on appeal with the Board including three in County Meath (PL17. 248028 Julianstown East and West, and Ninch, PL17.248146 in Duleek and PL17.248939 in Slane).

## 5.0 Policy Context

### 5.1. EU Directive 2009/28/EC - 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. Ireland's Transition to a low carbon Energy Future 2015-2030

- 5.2.1. This **White paper on Energy policy** (Department of Communications, Energy and Natural Resources – Dec 2015) provides a complete energy policy update for Ireland. It sets out a vision to reduce greenhouse gas (GHG) emissions by between 80% and 95% by 2050, compared to 1990 levels, falling to zero or below by 2100. 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.

### 5.3. **Strategy for Renewable Energy, 2012 – 2020**

5.3.1. This Strategy reiterates the Government's position that 'the development and deployment of Ireland's abundant indigenous renewable energy resources, both onshore and offshore, clearly stands on its own merits in terms of the contribution to the economy, to the growth and jobs agenda, to environmental sustainability and to diversity of energy supply'.

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

5.4.1. 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. **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.

### 5.5. **National Spatial Strategy 2002-2020 (NSS)**

5.5.1. Section 3.7 – Energy: Prime considerations in terms of spatial policies relating to energy include developing energy infrastructure on an all-island basis to the practical and mutual benefit of both the Republic and Northern Ireland strengthening energy networks in the West, North West, Border and North-Eastern areas enhancing both the robustness and choice of energy supplies across the regions, through improvements to the national grids for electricity and gas.

5.5.2. 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 rural areas, particularly in agriculture and food, marine, tourism, forestry, renewable energy, enterprise and local services, while at the same time capitalising on and drawing strength from vibrant neighbouring urban areas.

### 5.6. **National Planning Framework**

5.6.1. A new National Planning Framework (NPF) is currently being developed to replace the National Spatial Strategy. The NPF is currently at pre-draft stage.

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

5.7.1. This is a research report prepared by Future Analytics and funded by the Sustainability Energy Authority of Ireland (SEAI). The report contains a set of planning policy and development guidance recommendations, 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 a hundred applications for USSPV developments have been lodged with planning authorities and that an estimated 594 MW have been granted or were on appeal at the time of publishing (October 2016). The combined site area for these schemes at the time of the study is stated as being 1331.9 hectares. This constitutes 0.03% of the area of land available for agriculture.

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

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

### 5.8.1. Section 6.6.5 Renewable Energy

Renewable energy provision within the GDA will continue to become a more central issue in terms of environmental concerns, economic viability and development, and employment creation in green technologies. Approximately 5,500 MW of renewable generation by 2020 is required to meet the government target of 40% total consumption from renewable energy.

Achievement of these national targets will require development of renewable energy options such as offshore wind generation, marine based energy generation, **solar energy** and geothermal both within, adjacent to, and outside the GDA.

### 5.8.2. Strategic Recommendations:

- **PIR26:** Development Plans and Local Authorities support, through policies and plans, the targets for renewable generation so that renewable energy targets for 2020, and any further targets beyond 2020 which become applicable over the duration of the RPGs, are met.

- **PIR27:** That low carbon sustainable renewable energy systems, bio-energy and energy conservation potentials are exploited to their full potential through the advancement of EU and national policy at regional level and the promotion of existing and emerging green technologies.

5.8.3. 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 following into account:

- the proper planning and sustainable development of the area;
- the environmental and social impacts of the proposed development, including residential amenity and human health;
- impact of the development on the landscape;
- impact on public rights of way and walking routes;
- connection to the National Grid (where applicable);
- mitigation features, where impacts are inevitable, and;
- protected or designated areas - NHAs, SPAs and SACs, areas of archaeological potential and scenic importance, proximity to structures that are listed for protection, national monuments, etc.

**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.
- There are two protected views and prospects in the vicinity of the site as identified in the Development plan (View No.72 and 73).

### **Appendix 7 - Landscape Character Assessment (Meath)**

- The appeal site is located landscape character area No.6 – Central Lowlands which is designated as ‘High value’ and ‘moderate sensitivity’. This landscape has a medium capacity or the ability to absorb specific types of infrastructural development.

## 5.10. Solar PV Development Guidelines in the UK

5.10.1. While there are currently no planning guidelines for the development of solar PV in Ireland, guidance is well developed in the UK and can be considered useful as a reference source for good practice. The following guidance is considered relevant:

5.10.2. 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.

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.

## 5.1. Natural Heritage Designations

5.1.1. The site is not located within the boundary of any statutory or non-statutory designated (Natura 2000) sites.

5.1.2. The River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 002299) are located 12.8 km to the northwest of the appeal site.

## 5.2. Cultural Heritage

5.2.1. There is an archaeological monument present in the field to the south-eastern section of the application site (Ref: ME038-011 – Embanked Enclosure/Henge), part of which encroaches into the most westerly fields of the appeal site. The closest other recorded monuments include Record Number ME038-010 (Henge), ME038-010001 (18<sup>th</sup>/19<sup>th</sup> century house) and ME038-032 (Souterrain) which are located c.125m from the south east corner of the appeal site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. Appeals were received from two parties (The Painestown Hill Committee and Clodagh O'Sullivan & James Muldowney). A USB was also included with the Painestown Hill Committee appeal. The USB contained an electronic copy of the written appeal and also a short video entitled 'The Beauty of Windmill Hill and surrounds in the townlands of Kilbrew, Painestown and Yellowshar, Co.Meath'.

6.1.2. The collective principal points put forward in the grounds of both appeals are summarised as follows:

- Windmill Hill is located in the epicentre of important sites and has played a significant role in pre-historic and historic Ireland;
- Development will likely negatively impact on world famous sites and will have negative visual impacts including on the view shed of the Hill of Tara, Skyrne and surrounding hinterlands from which the steel frames would be visible and 'lit' from the incident sunlight;
- A national monument lies within the site and another is located to the, both of which are important archaeological features;
- Notes the DAHRRG's recommendation (omit the field immediately to the north and west of the Irishtown earthen embanked enclosure and carry out an archaeological impact assessment including a geophysical survey). The recommendations were not adhered to;
- A number of academic findings from UCD are referenced in relation to archaeology of Windmill Hill and National Monument ME036-010 in particular;
- Scale of the proposed development would have devastating impact on visual amenity of the area and will be obtrusive;
- Will cause loss of amenity to the community and devaluation of property;
- Glint and Glare issues will arise and concerns are raised on the reliability of the Glint and Glare assessment;



- Traffic issues will arise as a result of up to 4,500 delivery movements during the 17-week construction period. This will especially impact on the home on the laneway;
- Concerns regarding water pollution, loss of habitats/ecology, noise are also raised as is the cumulative impacts which would arise from 4 projects in the area.

6.1.3. The appeal was accompanied by two appendices which contain a report/observations on archaeology by Dr. Stephen Davis from the School of Archaeology, UCD and statements about the Solar farm.

## 6.2. Oral Hearing Request

6.2.1. One appeal was accompanied by a request for an oral hearing. Following consideration of the request, the Board decided not to hold an oral hearing and parties were advised accordingly.

## 6.3. Applicant Response

6.3.1. A response to the appeal was received from IMG Planning on behalf of the applicant. The points made in the response are summarised under as follows:

- DAHRRG initial comments are noted and accordingly, the applicant undertook a geophysical survey which brought greater certainty regarding the extent of the enclosure associated with the Recorded Monument. Subsequently a revised exclusion zone which would protect all known and potential archaeological features and act as a buffer area (as an alternative to excluding the entire field) was proposed;
- Noted information including enhanced imagery in the work prepared by Dr. Stephen Davis. The boundary line for the site as amended would ensure the monument is protected and offers a safeguard from impact from any element of the proposal. Meath County Council and the DAHRRG were satisfied with this proposal;
- Land surrounding and stretching away from a monument are not required to be protected in the same way as the monument itself;

- Development will have a positive impact on biodiversity;
- During construction, noise at sensitive receptors would meet the most stringent night time noise limit of 43dB at night and 45dB during the day which are exceptionally strict limits imposed in the planning decision. Construction noise exposure for residents in the locality will be below 70dB LAeq, 1 hour;
- Having regard to the implementation of mitigation measures, the LVIA found that the proposed development would have limited potential for profound and significant visual impacts and the development would not injure amenities of the area either alone or in conjunction with other developments referenced by the appellants;
- An average of 12 minutes of glint per day is predicted to be experienced in the worst case scenario (Observation point OP10 in the study). This predicted duration would be reduced further by existing and proposed screening. Glint would not result from the frames as any glint which would occur would be reflected downwards;
- Solar farm would aid meeting national targets for the production of renewable energy and are of low impact.

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

- 6.4.1. The Planning Authority's response lists the matters raised by the appellant and states that the Planning Authority are satisfied that these matters were considered in the assessment of the application.

#### **6.5. Observations**

- 6.5.1. An observation on the appeal was received from An Taisce. The observation raises concern in relation to negative impacts on archaeology in the area. The observation was accompanied by an Archaeology report by Dr. Mark Clinton, An Taisce. This report provided narrative about the Irishtown Monument (ME038-011) and noted that the geophysical survey carried out by the applicant revealed the presence of a number of additional archaeological features. It is contended that the proposed buffer zone would fail to preserve the amenities of the national monument and puts

forward its stance that there is reasonable justification to require a 100m buffer around the perimeter of the earthen enclosure. It is submitted that the surrounding environs of a monument are intrinsic to its integrity.

## 6.6. **Invited Responses under S.131**

6.6.1. The Commission for Energy Regulation (CER) and The Heritage Council were invited to comment on the appeal. No responses were received.

## 7.0 **Assessment**

### 7.1. **Introduction**

7.1.1. I have read the contents of the planning application and appeal file. I have also visited the site and environs and have considered relevant planning policy. The key issues in determining the application and appeal before the Board are as follows:

- Planning policy
- Archaeology
- Landscape and Visual
- Access and Traffic
- Glint and Glare
- Appropriate Assessment Screening
- Requirement for Environmental Impact Assessment

7.1.2. My considerations of each of the above issues are set out under the respective headings below.

### 7.2. **Planning Policy**

7.2.1. There is in-principle support for renewable energy schemes at a national, regional and local policy level, which collectively support 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.
- 7.2.3. The research paper on USSPV prepared by Future Analytics on behalf of the SEAI indicates that 594MW of solar energy capacity has been permitted or is on appeal (date). Reference is made to the stated capacity of 5.6MW in situ on an all-Ireland basis by October 2016. This is very low in comparison to the UK and EU countries and may well change noting the rapid improvements in technology, which is likely to make it more cost competitive. The USSPV research paper also indicates the very significant number of current applications for solar PV developments and the Board will be aware of a number of these which have been decided on appeal.
- 7.2.4. Section 2.6 of the National Spatial Strategy recognises the contribution rural areas make to the achievement of balanced regional development and developing economic resources including renewable energy. Section 6.6.5 (Renewable Energy) of the Regional Planning Guidelines for the GDA is also supportive of the development of renewable energy including solar. Meath County Council also express support for renewable energy, particularly through policies including **EC POL 1, EC POL 2 and EC POL 3**. Section 8.1.3 (Renewable Energy) is particularly supportive of developing a diverse range and combination of energy sources including solar energy.
- 7.2.5. The development would consist of the construction of an up to 12.5 MW solar PV farm comprising approximately 44,500 no. photovoltaic panels. It 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.
- 7.2.6. I am satisfied that there is a presumption in favour of the proposal, which is supported by policy referenced above and would contribute to the diversity of

sources of energy supply and hence the security of supply. 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 consider these in the remainder of my assessment.

### **7.3. Archaeology**

- 7.3.1. Concerns were raised in the grounds of the appeal regarding the archaeological impacts which could arise on the national monument on the site and to the south of the site. The grounds of appeal consider that the DAHG's recommendation to omit the fields to the north and west of the Irishtown earthen embanked enclosure and the carrying out of an archaeological impact assessment including a geophysical survey were not adhered to. A number of academic findings from UCD are referenced in relation to the archaeology of Windmill Hill and National Monument ME036-010 in particular. In order to address these concerns, I consider it would be useful to summarise the information provided and the consideration from the DAHRRG who are the competent authority in this matter.
- 7.3.2. The planning application was accompanied by an archaeological impact assessment. It identified an earthen embanked enclosure (Henge), Recorded Monument (RMP) No. ME038-011 which is situated in the adjacent field, known as Windmill Hill. It is also known as the Irishtown enclosure. It is one of two such monuments at the location, whereby another is located south of the proposed development site in the townland of Kilbrew. (RMP No. Recorded Monument ME038-010).
- 7.3.3. Part of the bank of RMP No. ME038-011 encroaches into the most westerly fields of the appeal site. A series of ten test trenches were excavated as part of an archaeological investigation of the area. No archaeological features of interest were found, save for a very small piece of unworked flint in Trench 4. The initial layout proposed to avoid any contact with this area by observing a buffer zone. Archaeological monitoring during the construction phase was also recommended.
- 7.3.4. Having reviewed the application and initial archaeological assessment, The DAHRRG recommended that the field immediately to the north and west of the Irishtown earthen monument enclosure be omitted from the proposed development.

It was also recommended that an archaeological impact assessment to include the results of a geophysical survey of the site should be prepared and submitted to the DAHRRG.

- 7.3.5. In response to a further information request, the applicant furnished a second archaeological impact assessment which focussed on the Irishtown earthen monument. It included a geophysical survey and archaeological testing in addition to examination of literature, cartographic information and aerial photography. Based on the evidence it proposed a wider buffer of 100m, which it states is deemed to include all the known and potential archaeological features.
- 7.3.6. The DAHRRG examined the further information furnished to the planning authority and noted that it was satisfied that it identified the extent of the Irishtown earthen embankment with a greater degree of accuracy. The Department clarified that the original requirement for the omission of the field north and west of the monument was based on the lack of specific information on the monument prior to the receipt of the further information.
- 7.3.7. The Department also noted the adjustments proposed to the solar array layout which included a reduction in the number of solar panels and an increase in the extent of the zone of protection and site boundary. While recognising the assessment focussed on the field immediately to the west of the monument and the proposals were satisfactory in this regard, it also noted the potential impacts on the other fields that form the remainder of the development site were un-accessed. Accordingly, the Department recommended a condition pertaining to pre-development testing to be included in any grant of permission and provided the recommended wording for this condition.
- 7.3.8. Based on the above, including the detailed commentary received from the DAHRRG, the recommendations set out should be attached by way of a planning condition in the event that the Board are minded to grant permission for the development. Subject to the attachment of this condition, which I have included in my schedule of recommended conditions below, I am satisfied that the archaeology issues have been resolved and as such, there is no requirement to withhold permission for reasons of archaeological impacts.

## 7.4. Landscape and Visual

- 7.4.1. Concerns around landscape and visual impacts are raised in the grounds of appeal. In particular, it is submitted that the development would have negative visual impacts including impacts on the view shed of Newgrange, the Hill of Tara, Skyrne and surrounding hinterlands from which the steel frames would be visible and 'lit' from the incident sunlight;
- 7.4.2. A landscape and visual impact assessment (LVIA) was submitted with the planning application, based on EPA guidance and Advice Notes. The significance of landscape and visual effects is determined on the basis of receptor sensitivity weighed against the magnitude of impact.
- 7.4.3. The landscape character area in which the proposed development is situated is No.6 – Central Lowlands, which is designated as being of 'High value' and 'moderate sensitivity', which has a medium capacity to absorb specific types of infrastructural development. I would agree with the Planning Authority that solar farms can be accommodated into this landscape category.
- 7.4.4. In relation to visual impacts on sensitive receptors and road users, the photomontages submitted show that the solar arrays would not generally be visible from local roads other than for intermittent views through gateways or from a small number of upper windows in the adjoining dwellings.
- 7.4.5. In relation to views and prospects, having reviewed the photomontages and visited the area, I am satisfied that those identified in the Meath County Development Plan (No.s 72 and 73) would not be significantly impacted upon.
- 7.4.6. Views from the highly important sites of Newgrange, Tara and Skreen which are sited 10km, 15km and 7km distant from the site would be sufficient distance so as not to result in any significant impact. Views from Garristown located c.4km to the east, where Fingal County Council have identified protected views, would be naturally screened by Windmill Hill.
- 7.4.7. The LVIA concludes that subject to implementation of mitigation measures, including the positioning of the solar arrays away from existing roadways and dwellings, and maintenance of existing hedgerows, the proposed development would not result in any significant or profound visual impacts.

- 7.4.8. I consider that the landscape change to the landscape character area would result in a minor landscape impact, but would be largely contained within the appeal site boundaries and lands close to the site. The wider landscape would be without significant impacts. There would be some potential intermittent views along the local roads adjacent to the development, but given the type and scale of the development, these would not be excessively obtrusive. Regarding protected views and scenic routes, identified in the Meath development plan and adjoining Fingal Development plan, I am satisfied that none would experience significant visual impacts as a result of the development.
- 7.4.9. The appeal referenced other developments in the area, including a permitted solar farm in Reask, c.1.7km to the south west. Each of the developments referenced require their own assessments on a case-by-case basis.
- 7.4.10. I am satisfied, based on the information available on file and gathered during my site visit, that while the proposed development would be a departure from the established landscape locally, it would not adversely impact on the landscape setting or the visual amenities of the area. Having regard to the retention and proposed augmentation of site boundaries, existing environmental screening and the scale and height of the development proposed, I am satisfied that medium and long range visual impacts arising would be minor and would not outweigh the benefits of providing a renewable energy source and to warrant a refusal on landscape or visual amenity grounds. Accordingly, I do not recommend that permission be refused on landscape and visual grounds.

## **7.5. Access and Traffic**

- 7.5.1. Access to the development would be from the local access road to the north, off which new tracks would be formed to accommodate construction vehicles and to facilitate future maintenance. The normal speed limit of 80km/hr applies along the local road and adequate sightlines are available at the point of access.
- 7.5.2. Issues have been raised in the appeal regarding traffic safety. The main impacts would arise during the construction stage due to the traffic movements. The applicant clarifies that while a figure of 400-450 was stated in the Construction Management Plan, these were not correct and the correct figures that are expected



to arise are 196 HGV movements distributed across a 10-12-week construction period within an 18-week development programme with a max of c.6 HGVs at any one time. The movements would be mainly generated as a result of delivery of materials and would be of short term duration and managed in the process as outlined in the construction traffic management plan.

7.5.3. The proposed development would generate very low levels of operational traffic which would be for occasional maintenance visits, which I consider is unlikely to be any greater than existing traffic generated by current agricultural activities. I am therefore 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 accordingly not be prejudiced during the construction or operational phases. I also note the Road Design section expressed no objection to the development subject to conditions.

7.5.4. Overall, I am satisfied that the traffic, which would likely be generated during the construction and operation phases, would not constitute a traffic hazard and the development should not be refused for traffic reasons.

## 7.6. **Glint and Glare**

7.6.1. Concerns were raised in the appeal around glint and glare and in particular the impact of such on homeowners.

7.6.2. Glint results from the specular reflection of direct solar irradiation and can cause visual distraction and discomfort. Glare is a continuous source of brightness from the reflection of diffuse solar radiation and is usually not a significant issue with solar farm developments.

7.6.3. Solar panels are normally dark in colour and designed to absorb daylight and therefore have a low level of reflectivity. The potential for glint and glare from a solar farm is much lower than from other manmade structures such as polytunnels, plastic covering tillage crops and glasshouses, which form a typical part of the rural countryside, as well as natural features such as water or snow.

7.6.4. The application was accompanied by a Glint and Glare Assessment. It identified the property which would experience the 'worst case scenario' which would be

geometrically possible to receive an average of 12 minutes of glint per day but that which actually results would be reduced by existing and proposed screening.

- 7.6.5. In relation to the points made in the appeal that glint may arise from the frames, this is discounted as any glint which would occur would be reflected downwards towards the ground. The road was assessed from RD1 and it is submitted that existing robust screening would prevent glint from affecting road users.
- 7.6.6. I consider that as a result of the presence of dense mature hedgerows surrounding the constituent fields that make up the appeal site, the additional planting and landscaping proposed, glint or glare is not likely to result in a significant adverse impact on residential receptors or road users.
- 7.6.7. The Glint and Glare assessment also concludes that there would be no impact on rail users. The only aerodrome within 15km of the site is Trevet aerodrome and the assessment notes that this airfield use is to be discontinued and will not be affected by glint and it is submitted that aircraft overflying the site would not be an issue due to the short duration (c.15 seconds) to pass the site.
- 7.6.8. Notwithstanding the conclusions which I consider are satisfactory, in order to address any residual impact that may arise I recommend that, if the Board is minded to grant permission, a condition should be included requiring the developer to provide detailed glint and glare surveys following commissioning and on an annual basis for a period of two years to the planning authority in order to confirm that no such glint or glare impact has taken place, and to provide such further mitigation measures as the planning authority may specify in writing to ensure that this is achieved.

## 7.7. Other

- 7.7.1. **Ecology:** The contents of the Ecological Appraisal and Biodiversity plan are noted. I accept that given the nature of the development, it would not cause any significant effects on priority habitats and species. The planting of grassland underneath the solar arrays would lead to an increase in biodiversity. In relation to the hedge and tree lined boundaries, these are proposed to be maintained and augmented, save where the new access would be formed which would require limited intervention. I

am satisfied that no significant negative impacts on the ecological environment would result.

7.7.2. **Noise:** The only conceivable noise which would arise in this case would result from the construction stage which would be short term in duration. The applicant has stated their commitment to keeping noise emanating from the proposed site (when measured at noise sensitive locations in the vicinity) such as not to exceed  $L_{eq(15 \text{ minute})}$  45dB(A) between the hours of 07.00 and 23.00 hours and  $L_{eq(15 \text{ minute})}$  43dB(A) between the hours of 23.00 and 07.00 hours, which I consider is acceptable. I also note the applicant's commitment for the utilisation of quieter plant during construction along sensitive boundaries and for the appointment of a Site Manager to act as a point of contact. Accordingly, I do not consider that permission should be withheld because of noise.

7.7.3. **Development Contributions:** 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 €1,000 per 0.1 MW. Accordingly, a Section 48 development contribution condition should attach in the event of a grant of permission.

## 7.8. **Appropriate Assessment Screening**

7.8.1. Article 6 (3) of The EU Habitats Directive (92/43/EEC) requires that 'any plan or project not directly connected with or necessary to the management of the (European) site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site considering its conservation objectives'. No conservation designation applies directly to the appeal site.

7.8.2. A Stage 1 Appropriate Assessment (AA) screening report was submitted with the application. Two Natura 2000 sites lie within a 15km radius of the site, these include the River Boyne and Blackwater SAC (Site Code 2299) and the River Boyne and Blackwater SPA (Site Code 4232), which lie 12.9km in a north-west direction from the site.

7.8.3. **River Boyne and River Blackwater SAC (Site Code 002299)** - The main habitats of conservation interest in this SAC are alkaline fens and alluvial forests characterised by common Alder and Ash. These are Qualifying Annex I Habitats. Other habitats of interest include marsh lands with some rare plant species including wintergreen and swamp meadow-grass. The main species of conservation interest are Atlantic Salmon (*Salmo salar*), river lamprey (*Lampetra fluviatilis*) and otter (*Lutra lutra*). These are Qualifying Annex II Species. The conservation objectives for the River Boyne and River Blackwater SAC are 'To maintain or restore the favourable conservation condition of the Annex I habitat(s) and the Annex II species for which the SAC has been selected'.

7.8.4. **River Boyne and River Blackwater SPA (Site Code 004232)** - The qualifying Annex I species for the River Boyne and River Blackwater SPA is kingfisher (*Alcedo atthis*). The conservation objectives for the River Boyne and River Blackwater SPA are 'To maintain or restore the favourable conservation condition of the bird species listed as the Special Conservation interested for this SPA'.

7.8.5. I have reviewed the AA Stage 1 screening statement which accompanies the application. I agree with its findings that given the separation distance and the nature and types of construction involved that no potential pathways exist between the site and any Nature 2000 site and hence no significant effects on the conservation objectives of Natura sites would arise as a result of the development. As a follow on, it is concluded that there would not be any significant in-combination contribution by the project such as would give rise to adverse effects on the River Boyne and River Blackwater SPA/SAC.

7.8.6. **Appropriate Assessment Screening Conclusion**

7.8.7. In this regard, it is reasonable to conclude that based on the information on file, which I consider adequate to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any designated European site in view of those sites' conservations objectives and that a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

## 7.9. Requirement for Environmental Impact Assessment

- 7.9.1. Solar farms are not listed as a class of development under Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001-2017, whereby a mandatory EIA and the submission of an EIS is 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 the proposed solar farm. Article 92 of the Planning & Development Regulations 2001-2017 defines sub-threshold development for the purposes of EIA as '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 also consider that the subject development is a not 'sub-threshold development' for the purpose of EIA and an EIS is not required for the development.

## 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 including my site inspection, I recommend that permission is **granted** for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

- 9.1. Having regard to the nature and scale of the proposed development, the suitability of the aspect and topography of the site, the proximity to the grid infrastructure, the pattern of development in the vicinity and to the regional and national policy support together with the recognition the solar photovoltaics can contribute to the overall achievement of renewable energy targets and to the provisions of the Meath County Development Plan 2013-2019, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an unacceptable impact on the landscape or visual amenities of the area, would not seriously injure the residential amenities of property in the vicinity, would not be harmful to the continued preservation of the archaeological heritage of the area,

would be acceptable in terms of traffic and road 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 on the 9<sup>th</sup> day of May 2017 and 15<sup>th</sup> day of May 2017, 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 considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The permission shall be for a period of 25 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. Details of materials, colours, textures and finishes to the ancillary structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the public road.

**Reason:** In the interest of the amenities of the area and of property in the vicinity.

8. The solar panels shall have driven or screw pile foundations only, unless otherwise agreed in writing with the Planning Authority.

**Reason:** In the interest of clarity.

9. Cables within the site shall be located underground.

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

10. Additional screening and/or planting shall be provided so as to ensure that there is no glint impact on adjoining houses as a result of the development. Upon commissioning of the development and for a period of two years following first operation, the developer/operator shall provide detailed glint surveys on an annual basis to the Planning Authority to confirm that no such glint impact has taken place, and shall provide such mitigation measures as the Planning Authority may specify in writing, to ensure this is achieved.

**Reason:** To mitigate against any glint impact and in the interest of residential amenity.

11. All landscaping 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 and the visual amenities of the area.

12. 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. 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 roads, 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.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) engage the services of a suitably qualified archaeologist (licenced under the National Monuments Acts 1930-2004) to carry out further geophysical survey and pre-development testing on the areas of the site where geophysical survey and testing have not already been carried out. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.

(b) The archaeologist is required to notify the Department of Culture, Heritage and the Gaeltacht in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work

(c) The archaeologist shall carry out any relevant documentary research and may excavate trenches at locations chosen by the archaeologist,



having consulted the proposed development plans.

(d) Having completed the work, the archaeologist shall submit a written report to the Planning Authority and the Department of Department of Culture, Heritage and the Gaeltacht

(e) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the Department of Culture, Heritage and the Gaeltacht will advise the Developer with regard to these matters.

(f) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the Department of Culture, Heritage and the Gaeltacht.

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

14. The construction of the development shall be managed in accordance with the Construction Environmental Management Plan (CEMP) which shall be submitted to, and agreed in writing with the planning authority prior to commencement of the development. This plan shall provide details of intended construction practice for the development, including hours of working, details of traffic and environmental management measures proposed including but not limited to operational controls for dust, noise and vibration, protection of groundwater.

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

15. 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.

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 Bord Pleanála for determination.

**Reason:** To ensure the satisfactory reinstatement of the site upon cessation of the project.

17. 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  
Planning Inspector

09<sup>th</sup> October 2017