



An
Bord
Pleanála

Inspector's Report ABP-301049-18

Development	10 year permission for the construction of an up to 35MW solar photovoltaic (PV) farm.
Location	Reask, Ashbourne, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA/170860
Applicant(s)	Raymond Coyle & Michael McDermott.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Margaret Farrelly.
Observer(s)	None.
Date of Site Inspection	4 th July 2018.
Inspector	Karen Kenny

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	6
3.1. Decision	6
3.3. Planning Authority Reports	6
3.4. Prescribed Bodies	8
3.5. Third Party Observations	8
4.0 Planning History.....	9
5.0 Policy Context.....	10
5.1. European Policy	10
5.2. Irish Energy Policy	11
5.3. National Landscape Strategy for Ireland 2015-2025	11
5.4. National Planning Framework (NPF), Government of Ireland, 2018	11
5.5. Regional Planning Guidelines for the Greater Dublin Area, 2010-2022	12
5.6. Meath County Development Plan 2013-2019.....	13
5.7. Natural Heritage Designations	15
5.8. Cultural Heritage	Error! Bookmark not defined.
6.0 The Appeal	15
6.1. Grounds of Appeal	15
6.2. Applicant Response	16
6.3. Planning Authority Response	18
6.4. Observations	19
7.0 Assessment	19
7.2. Principle of Development	20

7.3. Flood Risk	20
7.4. Archaeology	23
7.5. Landscape and Visual	25
7.6. Access and Traffic.....	26
7.7. Glint and Glare	27
7.8. Appropriate Assessment Screening	30
7.9. Environmental Impact Assessment	32
8.0 Recommendation.....	32
9.0 Reasons and Considerations.....	32

1.0 Site Location and Description

- 1.1. The site is located in the rural townland of Reask, Ashbourne, Co. Meath. It is located c. 5.5 kilometres north east of Dunshaughlin, c. 5 kilometres north of Rathoath and c. 7 kilometres north west of Ashbourne. The area is rural in character and is characterised by agricultural lands, that are in tillage and pasture, and one-off housing. The Tayto Park Theme Park & Zoo and the Largo Foods factory are located approximately 1 kilometre to the east of the site.
- 1.2. The site has a stated area of 56.76 hectares and comprises two agricultural fields and part of a third field. The fields are in grass and are divided by internal hedgerows and fencing. The surrounding lands to the east, west and south are also in agricultural use. Mature hedgerows and trees define the field and roadside boundaries. There are also a number of drainage ditches along field boundaries. The Higgins stream runs beside the westernmost boundary of the site. The L5037 local road bounds the site to the north and the roadside boundary comprises a hedgerow with some gaps. There is a wooded area at the north east section of the site.
- 1.3. The landscape in the immediate vicinity of the site is relatively flat. There is a ridge of elevated ground c. 1.5 kilometres to the north of the site at Painestown / Irishtown with views over the lower lying lands to the south.
- 1.4. The lands are currently accessed by a narrow lane (c. 150 metres in length) that is accessed off the L5037, and runs along the eastern boundary of the site. A 220kv overhead line runs in a north south direction through the westernmost section of the site, and a 20kv line runs in an east west direction centrally within the site.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of an up to 35MW solar photovoltaic (PV) farm with a maximum export capacity of 25MW, comprising approximately 127,250 no. photovoltaic panels arranged into arrays on steel ground mounted frames; undergrounded electrical cabling and ducting; 28 no. inverters; 28 no. transformer stations; 28 no. auxiliary transformer stations; 1 no. single storey DNO substation building (64.73 square metres); 1 no. single storey client building (14.79 sq. metres);

6 no. CCTV security cameras on 4 metre steel poles; a perimeter security fence; 2,100 metres of internal access tracks; landscaping; boundary treatments and all associated and ancillary services and works. Access to the proposed development is facilitated by the creation of a new entrance along the L5037 local road to the north west of the site.

2.2. The proposed photovoltaic panels are grouped into 6 x 4 PV arrays and set on galvanised steel frameworks with a maximum height of c. 2.5 metres. The arrays are arranged in linear east – west rows, orientated southwards at an angle of c. 25° to maximise solar exposure and to follow the existing contours of the site.

2.3. The planning application was accompanied by the following:

- Planning Statement
- Landscape and Visual Impact Assessment
- Photomontages
- Glint Assessment Report
- Access Report
- Construction Traffic Management Plan
- Construction Management Plan
- Landscaping Management Plan
- Decommissioning Method Statement
- Archaeological Assessment
- Appropriate Assessment Screening Report
- Ecological Impact Assessment
- EIS Screening Report
- Noise Assessment Report

2.4. 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, Glint & Glare Further Information Response, Preliminary Flood Risk Assessment Report, Water Services Response and revised Site Layout Plan, Water Services Drawing and Screening & Landscaping Plan.

2.5. The further information was deemed significant and was re-advertised.

- 2.6. Revised details submitted at further information stage reduced the number of panels from 127,250 to 120,120. The revisions related to the to the protection of recorded monument (RMP No. ME38-043).
- 2.7. While not forming part of the planning application, I would note that it is intended to connect the development to the national grid infrastructure at Baltrasna (ESB substation) located approximately 2.5 kilometres to the east of the site.
- 2.8. 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.

3.0 Planning Authority Decision

3.1. Decision

- 3.2. Grant permission subject to 14 conditions. The following conditions are of note:

- C2: Ecological avoidance measures to be implemented in full.
- C3: All structures to be removed off site no later than 25 years from the date of commencement of the development;
- C8: Fencing panels to be raised from ground level to allow wildlife (inc. badgers) to continue to have access through the site.
- C10: Archaeological pre-testing.
- C11: Flood Risk Assessment to be undertaken prior to commencement to establish critical flood levels and critical flood extents on the site for the 100 year and 1000 year flood events. Report to be submitted to the planning authority for approval, confirming that the proposed development is outside of Flood Zones A and B.
- C12: Development to be setback 10 metres from watercourses.
- C13: In the event that the development gives rise to negative effects to airport operations, applicant to implement appropriate measures to reduce affects.

3.3. Planning Authority Reports

- 3.3.1. Planning Reports

The Planning Officer's Report at application stage included the following considerations:

- The Report notes issues raised by the Conservation Officer in relation to the potential visual impact on views from Screen Church (protected view of national significance) and in relation to the cumulative impact of proposed solar developments in County Meath. The Report notes that these concerns form part of an overall recommendation to request further information.
- The report notes the report of the transportation section, which indicates that there is no objection to the development subject to conditions.
- In relation to glint and glare, the Report refers to issues raised in the submission received from the Irish Aviation Authority.
- The Report notes that subject to compliance with recommendations of the Environmental Department, that the issue of noise is suitably addressed.
- It is noted that a section of the site (north west corner) is identified as a flood risk zone in the OPW CFRAMS flood mapping and specifically PRFA mapping relevant to the area. It is recommended that a Flood Risk Assessment is undertaken and that the development is set back by 10 metres from watercourses.
- The Report recommends that issues raised by the Department of Culture, Heritage and the Gaeltacht (DCHG) and the Conservation Officer in relation to archaeological impacts are addressed.
- The Report concludes that Stage 2 Appropriate Assessment is not required.

Further information was requested in relation to cumulative impacts, visual impacts and impacts on architectural and archaeological heritage, glint and glare, flood risk, fencing and wayleaves. The Planning Officer's Report following receipt of further concludes that the issues raised have been satisfactorily addressed.

3.3.2. Other Technical Reports

Environment: No objection.

Transportation: No objection.

Heritage Officer: No objection.

Conservation Officer: No objection.

3.4. Prescribed Bodies

DCHG: No stated objection. Report notes that development footprint has been adjusted to avoid development impacts on the archaeological enclosure and its associated features.

Irish Aviation Authority: Conclusions of glint and glare study are acceptable. In the event that the development gives rise to negative effects to aircraft operations, the applicant will be expected to implement measures to reduce these effects.

Inland Fisheries Ireland: No stated objection.

DAA: No objection.

3.5. Third Party Observations

3.5.1. 5 no. third party observations were received. The issues raised can be summarised as follows:

- Number of permitted solar farms in County Meath.
- Visual impact, impact on views and impact on the character of the area.
- Clarity needed on electricity infrastructure and connection routes.
- Industrialisation of agricultural land.
- Archaeology.
- Noise.
- Contrary to CDP policy for agricultural lands and a lack of policy and guidance.
- Traffic Impacts.
- Natural heritage impacts.

- Health and safety impacts.
- Impacts on telecommunications infrastructure.
- Flood risk.
- Cumulative impact of growth of Tayto Park and Largo Foods, with higher volumes of heavy goods vehicles, traffic accidents and litter and noise.

4.0 Planning History

4.1.1. The planning history associated with the area is set out in the Planning Authority's report. There is no recent planning history pertaining to the appeal site.

4.1.2. Similar Developments in County Meath

The Board may wish to note solar farm applications in County Meath which have been decided by the Board or are currently on appeal.

ABP Ref. ABP-301990-18 / P.A. Ref. AA/180383:

Application for 8.7 MW solar farm on a site of c. 10.82 hectares at Irishtown, Kilbrew, Co. Meath. This site is situated c. 2.8 kilometres to the north of the appeal site and formed part of the site of a previous refusal under ABP Ref. PL17.248823 / P.A. Ref. AA/161238. The Planning Authority granted permission for the development. This decision is the subject of a third-party appeal to An Bord Pleanála. A decision in respect of this appeal is pending.

ABP Ref. ABP-301151-18 / P.A. Ref. RA/170479:

Application for 31.5 MW solar farm on a site of c. 55 hectares at Harlockstown, Ashbourne, Co. Meath. The Planning Authority granted permission for the development. This decision is the subject of a third-party appeal to An Bord Pleanála. A decision in respect of this appeal is pending.

ABP Ref. ABP-301023-18 / RA/170644:

Application for permission for 51 MW solar farm on a 95.34-hectare site at Fidorfe, Grange and part of Rathoath Manor, Co. Meath. The Planning Authority granted permission for the development. This decision is the subject of a third party appeal to An Bord Pleanála. A decision in respect of this appeal is pending.

ABP REF. PL17.248939 / P.A. Ref. LB/170509:

Application for 5 MW solar farm on a site of 11 hectares at Grangegeeth, Slane, Co. Meath. The Planning Authority granted permission for the development. This decision was subject to a third party appeal to An Bord Pleanála. An Bord Pleanála upheld the decision of Meath County Council and granted planning permission.

ABP REF. PL17.248823 / P.A. Ref. AA/161238:

Application for 12.5 MW solar farm on a site of 20.21 hectares at Irishtown, Kilbrew, Co. Meath. The Planning Authority granted permission for the development. This decision was subject to third party appeals to An Bord Pleanála. An Bord Pleanála overturned the decision of Meath County Council and refused planning permission for one reason. The reason for refusal states that the development would have a visual impact on the landscape and would materially and adversely affect the character and setting of a Recorded Monument.

ABP Ref. PL17.248146 / P.A. Ref. LB/170509:

Application for 60MW to 75MW solar farm on a site of 150.29 hectares at Garballagh, Thomastown, Gillinstown, Downestown, Duleek, Co. Meath. The Planning Authority granted permission for the development. This decision was subject to a third-party appeal to An Bord Pleanála. A decision in respect of this appeal is pending.

ABP PL17.248028 / P.A. Ref. LA/160998:

Application for 20 MW solar farm on a site of 42.6 hectares at Julianstown East and West, and Ninch, County Meath. The Planning Authority granted permission for the development. This decision was subject to a third-party appeal to An Bord Pleanála. An Bord Pleanála upheld the decision of Meath County Council and granted planning permission.

5.0 Policy Context

5.1. European Policy

- 5.1.1. EU Directive 2009/28/EC – Energy from Renewable Resources 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. Irish Energy Policy

- 5.2.1. **Ireland's Transition to a low carbon Energy Future 2015-2030.** 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.
- 5.2.2. **Strategy for Renewable Energy, 2012 – 2020.** 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'.
- 5.2.3. **National Renewable Energy Action Plan (NREAP).** 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 forth progress report on the NREAP was submitted to the European commission in February 2018 which detailed the installed capacity of solar power in electricity generation of 5.93 MW.

5.3. National Landscape Strategy for Ireland 2015-2025

- 5.3.1. The National Landscape Strategy was published by the Department of Arts, Heritage and the Gaeltacht in June 2015. It is an objective of the strategy to implement the European Landscape Convention by integrating landscape into our approach to sustainable development. The strategy aims to provide a high-level policy framework to achieve balance between the protection, management and planning of the landscape.

5.4. National Planning Framework (NPF), Government of Ireland, 2018

- 5.4.1. The National Planning Framework (NPF), 2018 replaces the National Spatial Strategy as the overarching national planning policy document. The transition to a low carbon and climate resilient society is one of ten National Strategic Outcomes (NSO's) for the NPF. The framework notes that in the energy sector, transitioning to a low carbon economy from renewable sources of energy is an integral part of Ireland's climate change strategy. National Policy Objective no. 55 is "to promote renewable energy use and generation at appropriate locations within the built and natural environment". Section 5.4 which relates to 'Planning and Investment to Support Rural Jobs', states that in meeting the challenge of transitioning to a low carbon economy, the location of future national renewable energy generation will, for the most part, need to be accommodated on large tracts of land that are located in a rural setting, while also continuing to protect the integrity of the environment and respecting the needs of people who live in rural areas.

5.5. Regional Planning Guidelines for the Greater Dublin Area, 2010-2022

- 5.5.1. 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.

- 5.5.2. 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.

5.6. Meath County Development Plan 2013-2019

- 5.6.1. The Meath County Development Plan 2013-2019 is the relevant statutory plan for the area. The site is located in a rural area and is not subject to a land use zoning objective. The following policies and objectives are considered to be relevant.

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.

Chapter 8 - Energy and Communications

- 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.

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 11.15.1 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 4.4.2 (Biofuels and Renewable Energy) 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.

Appendix 7 - Landscape Character Assessment

The appeal site is located in landscape character area No.6 – Central Lowlands which is designated as a ‘high value’ landscape of ‘moderate sensitivity’. There are no protected views or prospects relating to the site.

5.7. Natural Heritage Designations

The appeal site is not located in or adjacent to any designated Natura 2000 sites, Natural Heritage Areas or proposed Natural Heritage Areas.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal has been received against the decision of Meath County Council to grant permission. The grounds of appeal can be summarised as follows:

- The report of the Water Services Section indicates that the issue of flood risk is not satisfactorily resolved. Condition no. 11 requires the applicant to confirm that the site is not in Flood Zone A or B, however, it is already acknowledged that a section is in Flood Zone A.
- The proposed development will increase the rate of run-off to local drains / waterways and this coupled with a predicted increase in rainfall will result in a significant impact on watercourses in the area.
- The area is rich in archaeology. It is believed that the monument bordering the appeal site is connected to monuments on Windmill Hill (c. 1.3 kilometres to the north) which are potentially significant. The proximity of the monuments indicate that they are likely to be connected and may make up a multi-period settlement, similar to that at Tara. Clarity needed prior to any large-scale development in the area.

- There is uncertainty over the impact of the grid connection – which may include pylons that would further industrialise the area.
- Cumulative impact from commercial development in the area, mainly in the Tayto Park development. Development impacting views, traffic, road network, and results in noise and litter.
- The area has reached saturation point and any further large-scale development will have a detrimental impact on the rural status of the area, the environment and quality of life.
- Object to wording of condition no. 5, which allows for an extension of the life of the permission beyond 25 years.
- The lands will automatically be rezoned to industrial use, as industrial rates will be charged by the Council.
- The Councils decision making is biased by the revenue stream arising from rates. Independent review required.

6.2. Applicant Response

The response of the applicant can be summarised as follows:

Flood Risk

- OPW Preliminary Flood Risk Mapping (2011) details a potential flood risk from the Higgins River in a localised area in the north-west section of the site. It is estimated that c. 1% of PV panels only (and no other infrastructure) will be installed within this 'Flood Zone A'.
- The development is water compatible as it will not impede infiltration and run off, will not displace flood waters, there would be no risk to people or other infrastructure and the panels will continue to work up to a flood depth of 800 mm and would remain intact beyond this depth. On this basis, a Justification Test in accordance with the Flood Risk Guidelines (2009) is not required.
- All PV panels are to be setback by c. 10.5 metres from all watercourses.
- There will be no significant groundworks and no net increase in stormwater discharge or runoff volume. The construction method for PV panels

minimises the potential for ground disturbance, soil erosion, soil compaction and has no impact on the overall infiltration capacity of the land. Areas of hardstanding are minor (access, substation and inverters, transformers, ancillary small buildings and the solar panels). The access tracks will be permeable and will not generate additional run off. Runoff from other structures and infrastructure will discharge to ground.

- The content of the MCC internal water services report is noted. While the report does not accept that the development is water compatible, and requests a justification test on this basis, it also recommends that permission be granted.
- There is precedent in the UK and Ireland for solar farms within flood plains. Irish examples include ABP Ref. PL26.249168, Cork County Council Ref. 17/05245, Louth County Council Ref. 17/759, Tipperary County Council Ref. 17/759 and Kildare County Council Ref. 16/1265.
- The potential flood risk to a minor area of the site can be appropriately dealt with by condition.

Archaeology

- No known relationship between the monuments at Reask (ME038-043) and Windmill Hill (ME038-010 and ME038-011) and there are no dating materials or close parallels to the morphology of the site at Reask. The monument is c. 2.4 kilometres from the Windmill Hill monuments and is separated by dwellings, agricultural buildings, hedgerow field boundaries and the road to the north of the development site.
- In terms of visual impact, the monument has no surface expression, save for a slight raise in the field.
- Comprehensive analysis of potential impacts on archaeology undertaken (under licence). The results of geophysical survey confirm the presence and extent of the subsurface features of monument ME038-043 and did not reveal any additional archaeological features. The development boundary and zone of exclusion around the monument was revised (at further

information stage) to ensure that no element of the proposed development or works would affect the identified monument or associated features.

- The report notes that the proposed development would involve limited physical impact on the ground surface due to the construction methods to be employed. The report recommends archaeological monitoring of areas of ground disturbance.
- The Department of Culture, Heritage and the Gaeltacht raised no objection, and recommended a standard pre-commencement condition. Neither the Planning Authority or the Department raised the issue of a potential relationship between monuments in the area.

Visual, Noise and Cumulative Impacts.

- Landscape and Visual Impact Assessments considers impacts on visual amenities and landscape character including cumulative impacts.
- The development will not have a cumulative impact on the surrounding environment, considering the low lying topography of the site, the level of existing and proposed hedge screening, the continuation of agricultural grazing on site, the temporary nature of the proposed development, the low impact method of construction utilised and ability to rapidly reinstate the lands to pastoral use after decommissioning.

Grid Connection

- The grid connection details do not form part of the application. The proposed development will connect to the ESB substation at Baltrasna, located approx. 2.5 kilometres to the east of the site. A grid connection application has been made to the ESB, which is subject to a separate consenting procedure and the exact route to substation and means of connection will be determined by the ESB.

6.3. Planning Authority Response

- All matters were considered in assessment as detailed in the Planning Officer's Reports.

- The proposed development is considered to be consistent with the policies and objectives outlined in the Meath County Development Plan.
- The issue of flooding has been suitably assessed and addressed as part of the appraisal.
- The DoCHG raised no objection to the proposed development as per their letter dated 12th January 2018. It is considered that this issue has been suitably assessed and addressed.
- The grid connection does not form part of the current planning application.
- The land would not be rezoned.
- Standard development contributions are applied in accordance with the terms of the Meath Development Contribution Scheme, 2016.
- The cumulative effects of solar developments were considered and this issue has been suitably addressed.
- The planning permission relates to a project lifetime of 25 years. Condition no. 5 of the notification to grant permission is a standard condition.

6.4. **Observations**

None.

7.0 **Assessment**

7.1.1. I consider that the key issues in determining the application and appeal before the Board are as follows:

- Principle of Development
- Flood Risk
- Archaeology
- Landscape and Visual
- Access and Traffic
- Glint and Glare

- Appropriate Assessment Screening
- Requirement for Environmental Impact Assessment

7.2. Principle of Development

- 7.2.1. The proposed development relates to a Solar PV development over an area of c. 57 hectares. The site is located in a rural area that is outside of a designated settlement.
- 7.2.2. The grounds of appeal argue that the development is premature due to the absence of national, regional and local policy guidance in relation to solar developments. The appeals make reference to previous determinations by the Board that solar farm developments were premature, inter alia, pending the provision of policy guidance (ABP Ref. PL26.247217 and ABP Ref. PL26.247780). The grounds of appeal also argue that the location of the site within a rural community is unsuitable and contrary to the Development Plan.
- 7.2.3. The applicant's response argues that the proposed development is not premature as there is no policy or guidance in drafting and no timeframe for the completion of same. The response refers to the guidance contained in Section 7.16.1 of the Development Management Guidelines (DEHLG, 2007) which states that a development should only be refused on the grounds of prematurity where there is a reasonable prospect of a strategy or plan being completed within a reasonable timeframe. The response refers to recent legal determinations that address the issue of prematurity (Element Power v ABP and Highfield Solar v ABP). The response also argues that the Development Plan supports Solar PV developments at suitable locations and contends that the appeal site is a suitable area as it has no environmental designations, it is proximate to grid infrastructure and close to high demand electricity users.
- 7.2.4. In terms of policy support, I would note that renewable energy developments are supported 'in principle' at a national, regional and local policy level, with collective support across government sectors for a move to a low carbon future and an acknowledgement of the need to encourage the use of renewable resources to reduce greenhouse gas emissions and to meet renewable energy targets set at a European Level. The National Planning Framework (NPF) 2018 is the overarching

national planning policy document for Ireland. The NPF acknowledges that there is cross sectoral support for a transition to a low carbon and climate resilient society and this is one of ten National Strategic Outcomes for the NPF. The NPF recognises that Irelands transition to a low carbon economy requires a shift from predominantly fossil fuels to predominantly renewable energy sources. National Policy Objective No. 55 is “to promote renewable energy use and generation at appropriate locations within the built and natural environment”. Section 5.4, which relates to ‘Rural Places’, states that in meeting the challenge of transitioning to a low carbon economy, the location of future national renewable energy generation will, for the most part, need to be accommodated on large tracts of land that are located in a rural setting, while also continuing to protect the integrity of the environment and respecting the needs of people who live in rural areas.

7.2.5. The Meath County Development Plan also provides policy support for renewable energy development (EC POL 1 and EC POL 2). Policy EC POL 3 encourages the production of energy from renewable sources, subject to normal planning considerations, including in particular, the potential impact on areas of environmental or landscape sensitivity and Natura 2000 sites, while Economic Development Policies ED POL 19 and ED POL 5 seek to encourage rural enterprise and activities that are resource dependent such as energy production.

7.2.6. I am satisfied that the National Planning Framework and the Meath County Development Plan provide clear policy support for solar energy development and that both documents support for renewable energy developments within a rural setting. While there is no technical guidance specific to solar developments, I am of the view that the existing planning policy framework is sufficiently robust to facilitate the assessment of the subject application on its own merits and that the proposed development is not premature on this basis. The proposed development is therefore acceptable in principle, in my view.

7.3. **Flood Risk**

7.3.1. Condition no. 11 of the notification to grant permission, requires the applicant to prepare a Flood Risk Assessment that establishes the critical flood levels and critical flood extents on the site and to submit the assessment for the agreement of the Planning Authority prior to the commencement of development. The condition states

that the report shall confirm that the proposed development is outside of Flood Zones A and B. The appellant questions the purpose of this condition.

7.3.2. The OPW's Preliminary Flood Risk Assessment (2011)¹ identifies a potential risk of fluvial flooding (Floods Zone A) in the north-western corner of the site and a potential risk of pluvial flooding (Flood Zone A and B) in sections of the mid and western portions of the site. The Flood Risk Management Guidelines (DEHLG and OPW 2009) recommend that development should be avoided in areas of flood hazard in the first instance and proceed only where it passes the 'justification test' detailed in the Guidelines or is a 'water compatible' category of development. The applicant was requested at further information stage to apply the 'justification test'. The response argued that the proposed development is 'water compatible' and that it does not, therefore, need to pass the 'justification test'. The response asserts that the development will not impede infiltration and run off, will not displace flood waters, would not present a risk to people or other infrastructure and would continue to work up to a flood depth of 800 mm and would remain intact beyond this depth. I would note that the Flood Risk Management Guidelines (Table 3.1) set out a matrix of 'highly vulnerability', 'less vulnerable' and 'water compatible' development types – listing 'water compatible' categories of development that are deemed to be acceptable within Flood Zones A and B. I would note that the 'water compatible' categories listed are limited to water based infrastructure or activities and amenity uses only. I do not accept the assertion that the proposed development would fall within this category. The Guidelines recommend that other categories of development are only considered in Flood Zone A, where they meet the Development Management Justification Test. The proposed development would not meet the overarching criterion of this test, as the site not zoned or otherwise designated for Solar PV development (Box 5.1 Criteria 1 sets this out as a clear requirement).

7.3.3. The Guidelines (Section 5.2) recommends, where flood risk may be an issue, that a flood risk assessment should be carried out to quantify the risks. While the flood zones detailed on the PRFA mapping are relatively modest, this does not remove the obligation to undertake a site-specific assessment that determines the critical flood

¹ CRAMS Phase 1, a national screening exercise, based on available and readily-derivable information. The appeal site was not included in the Phase 2 assessments, which involved more detailed assessment and modelling of identified flood risk.

extents and critical flood levels, in accordance with the technical guidance provided in the Guidelines. The 'assessment' submitted at further information stage relies on the flood extents detailed in the PRFA mapping. Site-specific assessment may show flood extents that are greater or less. Condition no. 11 of the notification to grant permission seeks this address this issue prior to the commencement of development, however, I am of the view that the likely flood extents should be determined prior to a grant of permission.

- 7.3.4. In conclusion, I consider, having regard to the flood zones detailed in OPW PRFA mapping, that the proposed development has not been subject to an appropriate level of flood risk assessment in accordance with the requirements of the Flood Risk Management Guidelines and that the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. I recommend that permission is refused on this basis. If the Board is minded to grant planning permission for the proposed development and is satisfied that the development is otherwise acceptable, I recommend that the Board request a Site Specific Flood Risk Assessment that establishes the critical flood extents and critical flood levels within the site, prior to determining the application.

7.4. Archaeology

- 7.4.1. The grounds of appeal raise concerns in relation to the potential for impacts on archaeological features. It is argued that the monument bordering the appeal site (ME038-028) may be linked to the recorded monuments on Windmill Hill (ME038-010 and ME038-011) that are located c. 1.3 kilometres to the north of the appeal site. The applicant's objection to the Council includes two reports prepared by archaeologists, one of the School of Archaeology UCD and the other of An Taisce, in respect of a previous solar farm application at Windmill Hill (ABP Ref.PL17.248823). Both reports question the classification of recorded monument ME038-011 in the RMP as a 'henge' and suggest that it could be a 'hillfort' with greater significance and parallels to the enclosures found at Tara and Dun Ailinne. The grounds of appeal argue that the emerging information suggests that this area may be of far greater archaeological significance than previously thought and that this needs to be clarified prior to granting consent for a large-scale development.

- 7.4.2. The applicant's response states that there is no known relationship between the monument at Reask (ME038-043) and Windmill Hill (ME038-010 and ME038-011) and that there are no dating materials or close parallels between the sites at Windmill Hill and the morphology of the site at Reask. The response of the applicant and the Planning Authority note that the Department of Culture, Heritage and the Gaeltacht have not raised the issue of a connection between the monuments. It is argued that the results of archaeological testing, undertaken at further information stage, confirm the presence and extent of the subsurface features of monument ME038-043 and did not reveal any additional archaeological features.
- 7.4.3. Having reviewed the application and initial archaeological assessment, the DCHG recommended that an Archaeological Impact Assessment, to include geophysical survey and archaeological test trenches be undertaken. In response to a further information request, the applicant furnished an Archaeological Impact Assessment which included details of geophysical survey and archaeological trench testing in the area. Following testing the development footprint was adjusted around monument ME038-043 to ensure that the archaeological enclosure and associated features would not be impacted. No other evidence of archaeological potential was found during the testing. A report by DCHG in response to the further information notes the adjustments to the layout and recommends that pre-development testing be undertaken in respect of the remainder of the development site.
- 7.4.4. On the basis of the foregoing, and in particular, having regard to the commentary received from the DCHG, I am of the view that the potential for impacts on archaeology has been assessed during the course of the application. While I note the issues raised in the appeal in relation to the potential connection between monuments, I am of the view that the development has been amended, following assessment, to avoid the adjacent monument and associated features and that no evidence of archaeological potential was found in the wider area. In the event that unknown archaeology is uncovered the protection measures prescribed under the National Monuments Acts would apply. Having regard to the number of recorded monuments in the vicinity of the site, the issues raised in the appeal and the recommendation of DCHG, I would recommend, in the event that the Board is minded to grant permission, that a condition is attached requiring pre-development

testing. I have included a condition to this effect in the schedule of recommended conditions.

7.5. Landscape and Visual

- 7.5.1. The grounds of appeal raise concerns in relation to landscape and visual impacts. It is submitted that the development would have negative visual impacts on the skyline and on views towards the Dublin Mountains and would contribute to the industrialisation of the area.
- 7.5.2. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). The significance of landscape and visual effects is assessed on the basis of receptor sensitivity weighed against the magnitude of impact.
- 7.5.3. The landscape character in this area is characterised in the Development Plan as 'Central Lowlands' (Area 6), which is designated as a 'high value' landscape of 'moderate sensitivity'. The Development Plan (Appendix 7 Map 4 Landscape Capacity) states that the area has a medium capacity to absorb most types of development listed, including overhead cables, substations and communications masts. While solar farms are not specifically referenced, I am satisfied that solar farms can be accommodated within this landscape category.
- 7.5.4. The landscape at this location is relatively flat and is characterised by medium sized fields divided by mature hedgerows. There is a ridge of elevated ground to the west and to the east, which have views over the site and the surrounding lands. The site benefits from a high degree of visual containment due to the mature hedge and tree planting that forms the roadside and field boundaries in the area. In relation to visual impacts on sensitive receptors and road users, the photomontages submitted show that the panels would not generally be visible from local roads, with some potential for intermittent views along the local roads adjacent to the site. In relation to views and prospects identified in the Meath Development Plan I am satisfied that those identified in Appendix 12 of the Meath County Development Plan would not be impacted upon. I am also satisfied that protected views and Scenic Routes to the east, that are listed in the Fingal Development Plan would not be impacted.
- 7.5.5. The LVIA concludes that subject to implementation of mitigation measures, which includes the maintenance of existing hedgerows and provision of new hedgerows,

and the creation of an earthen berm along the northern boundary (where there are a number of gaps in the hedgerow), the proposed development would not result in any significant or profound visual impacts.

- 7.5.6. I consider that the change to the landscape would result in a minor landscape impact, that is largely contained within the appeal site boundaries and with some potential for intermittent views from the local roads and properties in the immediate vicinity of the site. The wider landscape would be without significant impacts. There would be potential for intermittent views from elevated lands to the north east at Irishtown / Painestown. The LVIA states that given the panoramic views from these receptors it was not possible to amend the design to avoid views. Given the type of development (low lying panels) and the level of separation I am of the view that the development would not be unduly obtrusive when viewed from these receptors.
- 7.5.7. The appeal references the cumulative impacts of other developments in the area, including solar farm developments, on the character of the area. Other permitted developments are at a distance from the appeal site and it is unlikely that there are places from which the permitted and proposed schemes would be visible. I support the conclusions of the applicant that cumulative visual impacts are not likely.
- 7.5.8. The proposed development would involve a land-use change that would be a departure from the established agricultural land use in the area. Nonetheless, I am of the view that the development would be well screened and that it would not adversely impact on the local landscape setting or on the visual amenities of the area. Having regard to the lowland setting, the extensive planting along field and roadside boundaries, the undulating topography in the wider landscape and the scale and height of the development proposed, I am satisfied that medium and long range visual impacts arising would be minor. Accordingly, I am of the view that the development is acceptable in terms of landscape and visual impacts.

7.6. **Access and Traffic**

- 7.6.1. The proposed development would be accessed directly from the L5037 local road which runs along the northern site boundary and from the R155 Regional Road, the L50161 Local Road and the N2 National Road.

7.6.2. The grounds of appeal refer to the impact on the local road network. I would note that the main impacts from the proposed development will arise during the construction stage. The Construction Management Plan submitted with the application states that a total of 500 HGV deliveries are expected over a 26 week construction period, with the majority occurring between Monday and Friday and a limited number on Saturdays. A maximum of 8 deliveries per day is proposed during a peak week. It is proposed to provide a holding area within the proximate Tayto Park complex for HGV's to stagger deliveries and to operate a stop / go system on the L5037. It is expected that a maximum of 100 construction workers will be on site during the peak construction period, with teams of specialist operatives arriving by bus and other workers arriving separately. 45 no. car parking spaces are proposed within the site compound to cater for staff parking during the construction stage. The proposed development would generate very low levels of operational traffic related to occasional maintenance visits.

7.6.3. I am satisfied that impacts arising principally from the construction phase of the proposal are short-term in nature and that the impacts can be adequately managed through the implementation of a Construction Traffic Management Plan. The development would not result in a material intensification of traffic during the operation of the proposed development.

7.6.4. Overall, I am satisfied that the safety and carrying capacity of the road network would not be prejudiced during the construction or operational phases. I would recommend, in the event that the Board is minded to grant permission, that a condition is included requiring the developer to submit a Construction Traffic Management Plan for the agreement of the planning authority prior to the commencement of development.

7.7. **Glint and Glare**

7.7.1. While I would note that the grounds of appeal did not raise this issue of glint and glare, these are recognised impacts that can arise from solar farm developments.

7.7.2. In broad terms, glint is produced as a direct reflection of the sun on a smooth surface, such as a solar panel, while glare is a more scattered reflection of light produced from a rougher surface and is less intense than glint. The application was

accompanied by a Glint Assessment that considers the impacts of glint on residential receptors (14 no. properties), equine facilities (3 no. facilities), public roads, railways and airfields and aircraft in the vicinity of the site. The report states that due to the intensity of glint being much higher than glare, the report focuses on glint. I consider this to be a reasonable approach.

7.7.3. The potential impacts on local receptors were modelled using 'ground glint zones' and 'zone of theoretical visibility' that were adjusted to take account of local factors such as cloud cover and screening. The report concludes that overall there is low potential for local residential properties to receive glint, with existing screening from trees and hedgerow on the site boundary and on intervening land reducing the potential for glint to receptors. It is noted that the long-term potential for glint is reduced further through proposed mitigation planting and the creation of a berm along the northern boundary. Consideration of equine facilities in the area note that there will be no glint effect. There are no railway lines or significant roadways proximate to the site. The assessment considers local roads that are closest to the site and concludes that there is a low potential for the users of the local road network to see glint. The road along the northern site boundary is closest to the site and considered the most likely to receive glint under existing conditions, however, it is noted that the proposed mitigation measures (berm and hedge) will eliminate this potential.

7.7.4. In terms of aviation, the Glint Assessment considered the potential impact on the two aerodromes within a 15km radius of the site were considered. The assessment notes that these aerodromes 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. The IAA considered and commented on the initial Assessment and requested details of the potential glint and glare impacts at Dublin Airport, positioned c. 19 kilometres from the site. An addendum report submitted at further information stage considered existing and proposed final approach pathways for Dublin Airport and found that no glint will be visible to pilots on final approach and that no glint will be visible within the existing operational control tower, or new control tower that is under development. The IAA commented on the addendum report stating that the conclusions of the study are acceptable. The IAA report states that in the event that the development, once installed, gives rise to negative effects to

aircraft operations, the applicant will be expected to implement measures to reduce these affects to an acceptable level of safety.

7.7.5. Notwithstanding the conclusions, which I consider to be satisfactory, in order to address any residual impact that may arise I recommend that a condition is included in the event of a grant of permission, requiring detailed glint and glare surveys to be submitted to the planning authority following commissioning and on an annual basis for a period of two years, in order to confirm that no 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 no impacts arise.

7.7.6. Ecology:

The contents of the Ecological Impact Assessment are noted. I accept that given the nature of the development, it would not cause any significant effects on priority habitats and species. 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. I accept the findings of the assessment and am satisfied that no significant negative impacts would arise.

7.7.7. Noise:

7.7.8. The Noise Assessment Report commits to undertaking noise mitigation measures during the construction and operational phases and I am satisfied that the potential for noise impacts can be addressed by condition.

7.7.9. Grid Connection

The appeal raises concerns in relation to potential impacts from the grid connection associated with the proposed solar farm. I would note that the grid connection does not form part of the current planning application and is subject to a separate consenting process. The submitted details state that it is intended to connect the development to the national grid infrastructure at Baltrasna (ESB substation) located approximately 2.5 kilometres to the east of the site.

7.7.10. **Other Matters Raised in the Appeal**

Procedural Matters

7.7.11. The grounds of appeal raise concerns in relation to a bias arising from rates and development contributions, the possibility that a grant of permission would confer an industrial zoning on the lands and fact that the life of the permission could extend beyond the initial 25 year period. I would note that a grant of permission would not alter the zoning status of the land and that any proposal to extend the development beyond the initial 25-year life of the permission would require a separate grant of planning permission. The issue of a potential bias is not a matter for the Board.

Drainage / Surface Water Run Off

7.7.12. The appeal raises concerns in relation to the impact of run off to local drains. However, I am satisfied, that the proposed development would not result in a significant increase in run off within the local area. Matters relating to potential flood risk are discussed in detail in Section 7.3 above.

Cumulative Impacts

7.7.13. In terms of the cumulative impacts of commercial developments in the area, I would note that the proposed development is acceptable in my view in terms of landscape and visual impacts, as discussed in Section 7.5 above, and that other impacts relating to traffic and noise arising from the proposed development would not be significant during the operational phase. I am satisfied that impacts during the construction phase can be adequately addressed by condition.

7.8. **Appropriate Assessment Screening**

7.8.1. 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, namely the River Boyne and Blackwater SAC (Site Code 2299) and the River Boyne and Blackwater SPA (Site Code 4232), which lie c. 12.4km in a north-west direction from the site. I would note that the Higgins Stream which adjoins the site is not hydraulically connected to the River Boyne but drains to the River Nanny, which flows into the River Nanny Estuary and Shore SPA, c. 20 kilometres north east of the

site. On this basis I consider it appropriate to consider the potential for impacts on all three sites.

- 7.8.2. **River Boyne and River Blackwater SAC (Site Code 002299)** - The main habitats of conservation interest 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'.
- 7.8.3. **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 interest for this SPA'.
- 7.8.4. **River Nanny Estuary and Shore SPA (Site Code 004158)** – The qualifying Annex 1 species are Oystercatcher, Ringed Plover, Golden Plover, Knot, Sanderling, Herring Gull and Wetland and Waterbirds. The conservation objectives are to maintain the favourable conservation condition of the bird species listed as the Special Conservation interest for this SPA and to maintain the favourable conservation condition of the wetland habitat in the SPA as a resource for the regularly occurring migratory waterbirds that utilise it.
- 7.8.5. I have reviewed the AA Stage 1 screening statement which accompanies the application. I would note that the development will not result in direct or indirect loss or disturbance to habitats or species associated with the sites listed above.
- 7.8.6. I consider that given the separation distance and the nature and types of construction involved that no potential pathways exist between the site and the River Boyne and Blackwater SPA. While there is a potential hydrological link to the River Nanny Estuary and Shore SPA, I consider that given the separation distance and the nature and type of construction involved that no significant effects on the

conservation objectives of this Natura site would arise as a result of the development. 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 and on the River Nanny Estuary and Shore SPA.

Appropriate Assessment Screening Conclusion

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. Environmental Impact Assessment

Schedule 5 of the Planning and Development Regulations 2001-2017, lists classes of development and thresholds of development for which mandatory EIA is required. Solar panels are not listed and I am of the view that the subject proposal does not fall within any of the categories set out in Schedule 5. On the basis that solar panel development does not fall within any of the categories set out in Schedule 5, I am of the view that EIA is not mandatory in this instance nor do the provisions for sub-threshold EIA apply.

8.0 Recommendation

Having regard to the foregoing I recommend that the decision of the Planning Authority be overturned in this instance and that permission be refused for the proposed development for the reason and consideration set out below.

9.0 Reasons and Considerations

1. The proposed development is in an area which is deemed to be at risk of flooding, by reference to the OPW Preliminary Flood Risk Assessment mapping published in 2011. Having regard to the provisions of the Development Plan and

the Planning System and Flood Risk Management Guidelines for Planning Authorities, (DECLG and OPW) 2009, in relation to development proposals in areas at risk of flooding, it is considered that, in the absence of adequate information relating to the risk of flooding, analysis of such risk, and appropriate mitigating measures to address any risk, the proposed development would be contrary to the proper planning and sustainable development of the area.

Karen Kenny
Planning Inspector

17th August 2018