



An
Bord
Pleanála

Inspector's Report ABP-301990-18

Development	10 year permission for development consisting of the construction of up to 8.7 MW solar PV farm and associated ancillary works.
Location	Irishtown, Kibrew, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA/180383
Applicant(s)	Power Capital Renewable Energy Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Margaret Farrelly and others, Clodagh O'Sullivan and James Muldowney
Observer(s)	None
Date of Site Inspection	19 th March 2019.
Inspector	Patricia Calleary

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1.0 Site Location and Description

The appeal site with a stated area of 10.82 hectares 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 accessed off the L-5007 and L-5003 local roads. There is a short private road along the north-west boundary of the most northerly field on the site. The N2 national primary road is located approximately 800 metres to the east and the M3 motorway is located over five kilometres to the west.

- 1.1. The site comprises the majority of three fields currently in use as agricultural (tillage) lands. It slopes from c.108 m Above Ordnance Datum (AOD) on the north-eastern corner to c.100m AOD on the south-western corner. The fields and local roadside boundaries are divided by mature hedgerows.
- 1.2. There are a number of individual houses located along the local roads adjoining the site and the wider area is characterised by agricultural land interspersed with houses.

2.0 Proposed Development

- 2.1. As set out on the public notice that accompanied the application, the development would comprise an 8.7 MW solar photovoltaic (PV) farm comprising approximately 27,800 no. photovoltaic panels on ground-mounted frames. It would include associated ancillary development consisting of eight transformer stations, eight auxiliary transformer stations, eight inverters, one client side substation, one single storey storage building, one single storey communications building, one single storey DNO building, four CCTV security cameras mounted on a four metre high poles (including one to the east of the area occupied by the solar panel array) and perimeter security fencing (two metres high). It would involve the formation of a new vehicular access from the adjoining L5003-44 road and the construction of a hardcore access track between the area of the PV panels and the client side substation and the road access point. The area of the PV panels would be connected by a 10kV underground power cable.
- 2.2. While not forming part of the planning application, the proposed development is intended to connect to the national grid infrastructure at the existing ESB 110kv

substation at Knavinstown, c.2.5km south east of the appeal site. It is stated that the exact route would be determined by the ESB.

2.3. It is stated that during operation, the land in and around the PV arrays could be used for grazing. It is proposed that the equipment would be removed after their design life of 25 years and the site would be returned to general farming operations.

2.4. In addition to the normal planning drawings for an application of this nature, the planning application was accompanied by a number of enclosures and reports including the following:

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

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a decision to grant permission subject to 33 conditions, including the following:

- C5: Archaeological pre-development testing;

- C11: Update and communicate construction environmental management plan (CEMP);
- C15: Post construction glint and glare assessment and remedial measures if required;
- C20: All structures required to be removed off-site no later than 25 years from the date of commencement of the development;
- C26: Provide an offset of 10 metres from watercourses to facility maintenance of same;
- C27: Implement measures if aircraft operations arise.

3.2. Planning Authority Reports

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

- Appropriate Assessment (Stage 2) and EIA are not required;
- A larger solar farm application on lands encompassing the site was previously refused by An Bord Pleanála on archaeological grounds. The current proposal omits the field closest to the archaeological monument;
- The nature and scale of the development is such that screening it from view, including local views would be possible;
- No protected views would be impacted on;
- Revised traffic management plan required (Transportation Section);
- Ecology mitigation measures noted and these should be included if planning permission is granted;
- Archaeological testing required;
- Standard noise mitigation measures would be implemented;
- Glint and Glare assessment is considered acceptable and should permission be granted, a post development Glint and Glare assessment would be required;
- A recommendation to grant permission was put forward.

3.2.2. Other Technical Reports

- Transportation: No objection subject to conditions;
- Environment Section: No response on file;
- Conservation Officer: No objection subject to condition;
- Chief Fire Officer: Fire safety certificate may be required.

3.3. Prescribed Bodies

- Department of Culture, Heritage and the Gaeltacht (DCHG): No objection subject to condition;
- ESB: No response;
- Fáilte Ireland: No response;
- An Taisce: No response;
- Irish Aviation Authority: Report received, condition recommended;
- OPW: No response;
- Commission for Communications Regulation: No response;
- Environmental Health Service: Report received;
- HSA: Report received, no comment;
- DAA: Report received, comment made.

3.4. Third Party Submissions / Observations

Two third party submissions were received. The principal issues raised in both are covered in the grounds of appeal.

4.0 Planning History

4.1. Appeal site

- **ABP Ref. PL17.248823 / P.A. Ref. AA/161238:** Permission was refused (March 2018) for a 12.5 MW solar farm on a site of 20.21 ha which included the appeal site area (10.82 ha).

4.2. Similar developments in County Meath

4.2.1. The Board will be aware of a number of solar farm applications that have been decided on appeal. Recent examples in County Meath include:

- **ABP Ref. ABP-301049 / P.A. Ref: AA/170860:** Permission granted (February 2019) for a 31.5 MW on a site of c. 57 hectares at Reask, Ashbourne, Co. Meath.
- **ABP Ref. ABP-301151-18 / P.A. Ref. RA/170479:** Permission granted (December 2018) for a 31.5 MW solar farm on a site of c. 55 hectares at Harlockstown, Ashbourne, Co. Meath.
- **ABP Ref. ABP-301023-18 / RA/170644:** Permission granted (December 2018) for a 51 MW solar farm on a 95.34 hectare site at Fidorfe, Grange and part of Rathoath Manor, Co. Meath.
- **ABP REF. PL17.248939 / P.A. Ref. LB/170509:** Permission granted (March 2018) for a 5 MW solar farm on a site of 11 hectares at Grangegeeth, Slane, Co. Meath.
- **ABP PL17.248028 / P.A. Ref. LA/160998:** Permission granted (March 2018) for a 20 MW solar farm on a site of 42.6 hectares at Julianstown East and West, and Ninch, County Meath.
- **ABP Ref. PL17.248146 / P.A. Ref. LB/170509:** Application for a 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 (March 2017). A decision in respect of this appeal is currently pending.

5.0 Policy and Context

5.1. Renewable Energy Directive 2009/28/EC

5.1.1. This Directive Concerns the promotion of the use of energy from renewable sources. Article 4 requires each member state to produce a national renewable energy plan to achieve an overall reduction in GHG emissions of 20%, a 20% increase in energy

efficiency and 20% of energy consumption across the EU to come from renewable energy by 2020. Member States are to achieve their individual binding target across the heat, transport and electricity sectors, apart from a sub-target of a minimum of 10% in the transport sector that applies to all Member States. Ireland has set a non-legally binding target of 40% of renewable energy share for electricity by 2020 (from a 2012 position of 19.6%).

5.2. National 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 fourth 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.

5.2.4. Climate Action and Low Carbon Development Act 2015

This Act provides the statutory basis for the national transition objective set in the national policy position. It commits to a carbon neutral situation by 2050 and to also match Ireland's targets with those of the EU. It requires that the Minister for Communications, Climate Action and Environment must make and submit to Government a series of successive National Mitigation Plans and National Adaptation Frameworks.

5.2.5. National Landscape Strategy for Ireland 2015-2025

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.

5.2.6. Project Ireland 2040 - National Planning Framework (NPF), Government of Ireland, 2018

The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. Chapter 3 of the Framework addresses 'effective regional development' and includes the following policy priorities for the Eastern and Midland region:

- 'Harnessing the potential of the region in renewable energy terms across the technological spectrum from wind and solar to biomass and, where applicable, wave energy, focusing in particular on the extensive tracts of publicly owned peat extraction areas in order to enable a managed transition of the local economies of such areas in gaining the economic benefits of greener energy'.

Under the heading 'Planning and Investment to Support Rural Job Creation', the following is stated within the NPF with regards to 'Energy Production':

- 'Rural areas have significantly contributed to the energy needs of the country and will continue to do so, having a strong role to play in securing a

sustainable renewable energy supply. In planning Ireland's future energy landscape and in transitioning to a low-carbon economy, the ability to diversify and adapt to new energy technologies is essential. Innovative and novel renewable solutions have been delivered in rural areas over the last number of years, particularly from solar, wind and biomass energy sources'.

National Policy Objective 55 seeks to 'promote renewable energy generation at appropriate locations within the built and natural environment to meet objectives towards a low carbon economy by 2050'.

National Strategic Outcome 8 relating to the 'Transition to Sustainable Energy' states that:

- 'New energy systems and transmission grids will be necessary for a more distributed, more renewables focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy'.

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.

5.3. Regional Policy

5.3.1. Regional Planning Guidelines for the Greater Dublin Area (GDA) 2010-2022

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.

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.

5.3.2. Draft Regional Spatial & Economic Strategy for the Eastern and Midlands Regional Assembly

The Draft Regional Spatial and Economic Strategy' is a strategic plan and investment framework to shape the future development of the Eastern and Midlands Region to 2031 and was published in November 2018. The Draft Strategy supports an increase in the amount of new renewable energy sources in the Region. The Strategy outlines that energy production, including renewable energy in the form of wind, solar and biomass, have to date largely been provided in rural areas and the location of future renewable energy production is likely to continue to be met in rural areas.

5.4. Local Policy

5.4.1. Meath County Development Plan 2013-2019

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.

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 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 within 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.

5.5. Natural Heritage Designations

5.5.1. The appeal site is not located in or adjacent to any designated European or National sites of importance. The River Boyne and Blackwater Special Area of Conservation (SAC) (Site Code 002299) and the River Boyne and Blackwater Special Protection Area (SPA) (Site Code 004232) are the closest European sites to the appeal site and are located 12.8km to the north-west.

5.6. EIA Preliminary Screening

5.6.1. 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 EIAR 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 2001-2019 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 EIAR is not required for the development.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The principal points put forward in the grounds of both appeals can be collectively summarised as follows:

- Changes since the previous proposal (which was refused permission on appeal), including the removal of PV panels, but leaving the substation and access routes, will not provide sufficient protection to the recorded monument (ME038-011);
- Development would have significant impact on archaeology of the area, including a recorded monument (Ref. ME038-011), a henge, located at the summit of Windmill hill and two other recorded monuments proximate to the site;
- Applicant has failed to carry out a geophysical survey of the entire site and archaeological uncertainties remain;
- Features visible in the geophysical survey carried out on part of the site for the previous proposal were not identified by the applicant's archaeology report;
- Site Notice location was inaccurately mapped and failed to comply with the requirements of the Planning and Development Regulations;
- It would be a mistake to lose prime agricultural lands to solar power;
- Development would be an unacceptable intrusion on the landscape;
- Traffic issues raised and requests that in the event of a grant of permission, before and after construction surveys would be carried out on the local road network including that presented as views 4 and 5;
- Development would give rise to unacceptable noise levels;
- In the absence of national guidance, solar farms should not be permitted;
- The encroachment of an industrialised landscape as a result of permitted solar development does not result in orderly development;

- Queries conditions numbers 16 (agree details of equipment and structures), 20 (decommissioning) and 22 (No external artificial lighting) attached to the planning decision;
- Glint and glare would be more pronounced than implied in the glint and glare report submitted;
- Property devaluation would result.

6.1.2. The appeal was accompanied by a copy of an observation made by An Taisce direct to the Board on the previous appeal (Ref: PL17.248823). The appeal was also accompanied by a USB memory stick which in addition to containing a digital copy of the appeal, contains a video recording entitled 'The Beauty of Windmill Hill & Surrounds in the townlands of Kilbrew, Painestown & Yellowshar in County Meath'.

6.2. Applicant Response

6.2.1. A response to the appeal was received summarised as follows:

- Recalls previous application and archaeology issues that arose, report from DCHG and refusal of permission by the Board;
- Current proposal has direct regard to the Board's reason for refusal and has largely omitted the field areas north and west of the recorded monument, ME038-011, other than the internal access track and the client side substation that are both located furthest away from the monument;
- On the basis of the current application, the DCHG stated their satisfaction with the findings of the archaeological assessment and recommended geophysical pre-development testing in any grant of permission that may issue;
- Dr. Hurley (author of the applicant's archaeological report) is satisfied that the full extent of the monument has been identified by geophysical survey and archaeological testing and the testing has revealed that the monument or any of its associated features have not extended throughout the field which has been omitted from the development in the current proposals;
- Noise levels would be less than LAeq,T 45dB at all local dwellings at all times and would not exceed limits specified in Condition No.5 attached to the planning decision;

- Current proposal addresses the reason for refusal of the previous application on the basis of visual impact affecting the recorded monument;
- Glint and Glare is adequately addressed and glint issues will not arise on receptors (house occupants, motorist or aircraft);
- Applicants are committed to repairing any damage caused to the road network during construction;
- Meath County Council found that the site notices were valid and in accordance with the requirements of the planning and development regulations;
- Solar farm would aid meeting national targets for the production of renewable energy and are of low environmental impact.

6.3. **Planning Authority Response**

- Report from DCHG is relevant in relation to archaeology.
- Requests that the planning decision to grant permission is upheld.

6.4. **Observations**

- None

6.5. **Further Responses**

- 6.5.1. Both appellants were afforded the opportunity to comment on the applicant's response to their appeals. The responses reaffirm their positions outlined in the grounds of appeal and emphasises their view that no development should occur on the field immediate to the north and west of the recorded monument ME038-011.

7.0 **Assessment**

7.1. **Introduction**

- 7.1.1. This assessment relates to a proposal for a PV solar farm and it follows a previous refusal for permission by An Bord Pleanála for a similar development type on a larger site area incorporating the appeal site. The current proposal is for a smaller scale development on a reduced site area.

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

- Principle and Planning Policy
- Archaeology
- Landscape and Visual
- Access and Traffic
- Glint and Glare
- Other
- Appropriate Assessment Screening

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

7.2. Principle and Planning Policy

7.2.1. Renewable energy developments are supported in principle at a national, regional and local planning policy level, with 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.

7.2.2. The development on the appeal site would comprise the construction of a 12.5 MW solar PV farm, comprising approximately 27,800 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 European 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.

7.2.3. 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. An overall aim of this policy document is to reduce greenhouse gas emissions from the energy sector by between 80% and 95% (by reference to 1990 baseline) by 2050 while ensuring security of supply is maintained.

- 7.2.4. The National Planning Framework (NPF) 2018 is the overarching national planning policy document for Ireland. 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 seeks ‘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 under 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 European (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 there is a presumption in favour of the proposal, which is supported by policy referenced above and its delivery would contribute to the diversity of sources of energy supply and hence the security of supply. The National Planning Framework and the current Meath County Development Plan provide clear policy support for renewable energy developments within a rural setting. While there is no national or local 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 application now before the Board on its own merits and that the proposed development is not premature on this basis.

- 7.2.7. The appellants express concern around the loss of prime agricultural land in favour of the current proposal and other solar farms in Meath. I note this point and that the development would remove land currently used for tillage purposes. Nonetheless, in the overall context, it would remove a very small percentage of agricultural lands in the county or further afield and would allow the delivery of much needed renewable energy which is heavily supported in policy terms. There is also scope for continued use of the land for sheep grazing and the land can revert to agricultural use at a future date when the development would be decommissioned so as such, there would be no permanent loss of agricultural loss as a result of the development. Therefore, in balancing priorities, the loss of tillage land in this instance should not form a reason for refusal of permission for the development.
- 7.2.8. Having regard to the above, the development would be acceptable in principle subject to more detailed consideration of planning and environmental matters which follows.

7.3. **Archaeology**

- 7.3.1. The principal arguments which are central to this appeal, relate to archaeology. The appellants argue that the development would impact on Recorded Monument & Places (RMP) No. ME038-011, which is an earthen embanked enclosure, also known as a henge. Also known as the Irishtown enclosure, this RMP is situated east of the development on the summit of 'Windmill Hill', which it is stated enjoys long-ranging views. It is also submitted by the appellant that evidence would suggest that this monument may in fact be an iron-age hillfort enclosure. The appellants also state their concerns that the development has potential to interrupt archaeological rich hilltops including the Hill of Tara, Hill of Skyrne, Garristown and Newgrange.
- 7.3.2. It is further submitted that this RMP (ME038-011) is one of three monuments proximate to the site, the other two being ME038-010, an 18th-century house, and ME038-032, a souterrain. The appellants provide their interpretation of the proposed development in the context of archaeology in the area, within Figure 4 on Page 5 of the appeal document from the residents of Kilbrew, Irishtown, Yellowshar and Painestown. The location of National Monuments are also presented as Figure B on Page 6 of the applicant's Landscape and Visual Impact Assessment report submitted with the planning application.

- 7.3.3. The appellants state their disagreement that planting of hedgerows would mitigate their concerns and suggest that this would have a negative effect in interrupting views of the monument. They also disagree with the applicant's contention that civil works would be 'relatively small'. They consider that the development now proposed fails to take account of the Board's previous refusal for a similar proposal and that insufficient geophysical surveying has been carried out to explore the archaeology remains and protect the area, which is rich in archaeological heritage.
- 7.3.4. The planning application was accompanied by an archaeological impact assessment. It identified ten recorded monuments within a 1.5 km radius of the site. The assessment states that there are no known archaeological sites or monuments on the appeal site. It identifies the location of RMP No. ME038-011, stating that unlike the previous application, the field adjoining the monument is not proposed to be developed with solar arrays and states that the only development proposed in this area is the Distribution Networks Operator (DNO) substation and access at the optimum location, both which would not in any way impact on the archaeological heritage of the area.
- 7.3.5. It considering archaeology and the arguments made by both parties, it is of relevance to look back at the related planning history. In the previous planning application (Ref: PL 17.248823) refused by the Board, the field to the east and south of the current development proposal (and west of the majority of ME038-011) was included. In the course of that application, the applicant initially proposed a 50m buffer zone around the monument to protect it. The DCHG initially recommended that the field adjoining the monument should be omitted. In a response to a further information request, the applicant furnished an updated archaeological impact assessment report which included a geophysical survey and archaeological testing of the field adjacent to the monument. A proposal for a wider buffer of 100m was furnished by the applicant, which it stated would include all the known and potential archaeological features. The DCHG subsequently noted that the further information identified the extent of the Irishtown earthen embankment with a greater degree of accuracy and at that point, the Department did not object to the inclusion of this field. The Board subsequently refused permission for reasons of unacceptable impact on archaeological and cultural heritage and the unacceptable visual impact of the proposal on the landscape, which would adversely affect the character and setting of

the Recorded Monument. In a Direction issued, the Board stated that it gave consideration to a split decision whereby the field north and west of the National Monument would be excluded, but as the field comprised the access and DNO substation, the Board stated that it did not pursue that option.

- 7.3.6. For the main part, the current proposal omits the majority of the development in the field adjacent to the recorded monument. The proposals however include the access and the DNO substation building. It is submitted by the applicant that the proposed access point is located at the optimum location. The previous proposal for a tarmacadam access road would be replaced with a temporary access road and the foundations of the DNO substation have been revised so that they would be less intrusive in terms of ground disturbance. It is stated elsewhere that the access track would serve on-going maintenance.
- 7.3.7. The applicant also outlines that the solar arrays would be mounted on upright steel frames and because they would only be driven or screwed into the ground, they would be relatively non-invasive and any impacts could be mitigated by pre-development testing. In relation to visual impacts on the recorded monument, the report states that these would be mitigated by existing field boundaries and additional proposed planting.
- 7.3.8. The applicants archaeological report sets out details of the examination of the site and its surrounding archaeological environment. It is clear that the area most sensitive, i.e. the field now proposed to be largely omitted from the development save the access and DNO substation was previously subject to geophysical surveying. An image from the geophysical survey is presented in Figure 1 contained in the appendix of the archaeological report and it is stated that no element of the recorded monument (ME038-011) or associated features extended beyond the arc visible from the image.
- 7.3.9. This field closest to the Irishtown monument was also subject to testing using test trenches under archaeological licence. The location of these 9 trenches are shown on Figure 2 of the Appendix to the archaeological report on this current file. No features of archaeological significance are stated to have been discovered.
- 7.3.10. A report from the DCHG on the current proposal states that the Archaeological Impact Assessment report was examined. It noted the reduction in size of the

footprint of the development from the previous application and recommended a grant of permission subject to a condition requiring geophysical and pre-development testing on the development site. While I have some reservations that the entire site was not subject to geophysical surveying to more robustly resolve the potential for archaeological disturbance across the current (and entire) site, nonetheless, this can be subject of a condition requiring geophysical surveying together with pre-development testing in the event of a grant of permission. I believe the report of the DCHG must be given strong weighting in balancing arguments presented by both sides to the appeal. Should the Board consider this is required to be resolved prior to any grant of permission, it is open to the Board to seek further information in this regard. However, I don't believe it to be necessary for reasons outlined above.

- 7.3.11. Having regard to the omission of the field closest to the recorded monument (ME038-011) from the primary development of solar arrays, I am satisfied that this aspect of the previous reason for refusal has been overcome. The revised access road and the minor scale of the DNO substation would not be intrusive on the Recorded Monument.
- 7.3.12. The previous reason for refusal also includes an element relating to the impact on the landscape. I address this under the next heading (Landscape and Visual) of my assessment below. Subject to the attachment of a condition requiring geophysical and pre-development testing, I am satisfied that there is no requirement to withhold permission for reasons relating to the archaeological impacts of the proposed development.

7.4. Landscape and Visual

- 7.4.1. Concerns around landscape and visual impacts are raised in the grounds of appeal, in which it is stated that the previous reason for refusal would still stand.
- 7.4.2. A landscape and visual impact assessment (LVIA) was submitted with the planning application, based on EPA guidance and other Advice Notes. The key receptors include houses in the vicinity of the site and adjoining roadways. Photomontages prepared for 13 viewpoints were included. The key mitigation measure is the proposal to maintain the hedgerows and enhancement of screening through hedgerows and planted berms. The proposals are presented on Drawing No. PP-01-

PP. Particular emphasis is placed on screening the development from the archaeologically sensitive 'Windmill Hill'.

- 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 am satisfied that solar farms can be accommodated into this landscape category. The topography around the site is gently undulating and the site is on rising ground.
- 7.4.4. I note the Boards' previous reason for refusal of a larger solar farm including the appeal site area, in which in addition to considering the development would result in an unacceptable impact on the archaeological and cultural heritage of the Recorded Monument it was also considered that the development would result in an unacceptable visual impact in the landscape. In omitting development of solar arrays on the field adjacent to the Recorded Monument, the outcome is a reduction of the size and scale of development and requires assessment on that basis.
- 7.4.5. I consider that the development 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 immediately adjacent to the development, but given the type and scale of the development, these would not be significant.
- 7.4.6. 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.
- 7.4.7. The site is on a slightly raised area locally and has potential to be visible from the surrounding area. Due to the topography, views from the north would be eliminated, however, there are some elevated views from the lower level at the south and south west, but these would be reduced by screening and additional hedgerow planting.
- 7.4.8. 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.

- 7.4.9. The appellants suggest that views from the three houses located across the road from the development was not represented in the photomontages. It is suggested that the closest view, view 4 is not representative of the views which they would experience.
- 7.4.10. A report on file from the conservation officer does not object to the development subject to provision of sufficient screening. The conservation officer also recommends conditions regarding the building design.
- 7.4.11. I am satisfied, based on the information available on file, including visual representations of how the proposal would appear from view and information gathered during my site visit, that while the proposed development would undoubtedly represent 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 that would 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 (L5003) to the north east, 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 this local road and adequate sightlines are available at the proposed entrance.
- 7.5.2. Issues have been raised in the appeal regarding traffic safety and the damage to the local road network which it submits are currently in a state of disrepair.
- 7.5.3. The main impacts would arise during the construction stage due to the traffic movements, which is stated would be for a period of up to 16 weeks and with the bulk of traffic associated with deliveries generated during a 6 to 9-week period at the beginning of the construction period. Between 180 and 200 deliveries of materials

are expected during the construction period with daily HGV deliveries of between 3 and 6. It is stated that because of the nature of the development, whereby PV support structures are placed directly into the ground by ramming or screw mechanisms, no major excavations are necessary or proposed.

- 7.5.4. I am satisfied that construction traffic movements would be of short term duration and could be managed in the process as outlined in the construction traffic management plan. Based on the annual average daily traffic (AADT) figures of 700 vehicles on the L5003, as presented with the response to the appeal, a marginal increase in traffic of 3% would result. Car-pooling arrangements are stated would be put in place for staff arriving to work at the site during construction.
- 7.5.5. In respect of the haul route, the applicant proposed HGV traffic accessing the site would travel via the N2 to the R155 and would exit the 'Tayto Park' roundabout and head north to the site via the L5003. HGV traffic departing the site would move in the opposite direction along the L-5003, then east on the L-5007 and L-5038 to the N2 at Kilmoon Cross. The Transportation Department (Meath County Council) raised concerns with HGVs accessing the N2 at this location and considered it would be preferable to reverse the proposed traffic flow. The appellants suggest this would be problematic at Primatestown where there are traffic lights. I have attended this area. The N2 is marked with a yellow box to allow vehicles to turn right from the N2 onto the R155. The applicant did not object to the change in arrangement of the haul route and therefore they should comply with the requirements of Meath County Council requirements.
- 7.5.6. The proposed development would generate very low levels of operational traffic which would be for occasional maintenance visits, which is unlikely to be any greater than existing traffic generated by current agricultural activities. No material intensification would arise because of the operation of the proposed development, and the safety and carrying capacity of the road network would accordingly not be prejudiced during the construction or operational phases. As stated in the Construction Traffic Management Plan, a site manager would oversee the transportation co-ordination role and deliveries would be escorted to site with a convoy warning vehicle system, in the interest of road safety.

7.5.7. In respect of maintaining the road condition, this can be regulated by the requirement of a bond through an appropriate planning condition, which I recommend should be attached to any grant of permission.

7.5.8. Overall, I am satisfied that the traffic, which would likely be generated during the construction and operation phases, and, subject to conditions, the access proposed, would not constitute a traffic hazard and the development should not be refused for reasons of traffic impacts or road safety.

7.6. **Glint and Glare**

7.6.1. Concerns were raised in the appeal around glint and glare and in particular the impact of same on homeowners. The validity of the Glint and Glare assessment included with the application is also questioned by the appellants.

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. Glint and glare can be a distraction or nuisance to receptors including observers who can experience an 'after image' effect.

7.6.3. Solar panels are stated would be dark in colour and be designed to absorb daylight and therefore have a low level of reflectivity. The potential for glint and glare from a solar farm is 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 examined impacts on receptors including local dwellings, road users, railways and impacts on aircraft.

7.6.5. In terms of residential receptors, 14 were modelled and based on the modelling exercise, without taking screening into account, identified one dwellinghouse (referenced as OP10) as experiencing the highest glint exposure of 0.5% of annual daylight hours. The analysis concludes that there is low potential for residential properties to experience glint due to the available field boundary screening and proposals for additional hedgerow planting.

- 7.6.6. In relation to the points made in the appeal that glint may arise from the steel frames, this can be discounted as any glint which would occur beneath the solar panels would be directed downwards into the ground.
- 7.6.7. In considering road users, it is stated in the report that almost all views of the site from surrounding roads would be screened from glint and any glimpses of glint would, from the perspective of a motorist, pass quickly.
- 7.6.8. I am satisfied 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.
- 7.6.9. 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 is no longer active and would not be affected by glint and it is submitted that aircraft overflying the site would not be an issue. In support of this statement it is submitted that should a pilot be inclined to look directly down towards the solar farm at the precise moment of reflection being directed back, such an effect would pass quickly. It is also submitted that pilots are accustomed to glint effects from flying over water and other features causing such effects and do so without issue.
- 7.6.10. 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 would 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. Biodiversity: The contents of the Ecological Appraisal 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 which would require limited intervention. I am satisfied that no significant negative impacts on biodiversity 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 layout displays adequate separation distance from transformers to noise sensitive receptors such as to ensure no operational noise disturbance would occur. The applicant has submitted a noise assessment and 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 Leq (15 minute) 45dB(A) between the hours of 07.00 and 23.00 hours and L eq (15 minute) 43dB(A) between the hours of 23.00 and 07.00 hours, which I consider to be 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 requirement for 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.
- 7.7.4. Procedural Matters: It is submitted in the appeal that the site notices were not in accordance with Article 19 of the Planning and Development Regulations 2001, as amended. It is stated that one notice location was incorrectly recorded on maps, no notice was erected at the entrance to a local road to the south and that the site notice from the previous planning application had not been removed. This issue concerns the validation stage of the application, which is a procedural matter already dealt with by the Planning Authority and is not a matter for the Board to revisit. In any case, I am satisfied that the appellants were aware of the application and that the site notices erected served their intended purpose which as set out in the Development Management Guidelines for Planning Authorities (DEHLG 2007) is 'to inform the public of the proposed development and alert them as to its nature and extent'.

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 European designated sites lie within a 15km radius of the site, these include the River Boyne and Blackwater SAC (Site Code 002299) and the River Boyne and Blackwater SPA (Site Code 004232), both which lie 12.8km in a north-west direction from the site. I am satisfied that these two sites are relevant and are discussed in greater detail below.
- 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 solar*), 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 note that the development would 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, no potential pathways exist between the site and the River Boyne and Blackwater SAC and/or SPA. Accordingly, the project would not give rise to significant effects on those European sites. In addition, the adoption of and adherence to the overarching environmental measures inherent in the project design and outlined in the CEMP is noted. As a follow on, it can be 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 and SAC.

7.8.7. **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 the River Boyne and River Blackwater SAC (Site Code 002299), the River Boyne and River Blackwater SPA (Site Code 004232), or any other European site(s) in view of the site(s)' conservations objectives and that a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

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, subject to conditions, 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 national and regional policy support

together with the recognition that 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 be harmful to the continued preservation of the archaeological heritage of the area, 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 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.

1.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 reasonable and appropriate to specify a period of the permission in excess of five years.

3. (a) The permission shall be for a period of 25 years from the date of the commissioning of the solar arrays. The solar arrays 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.

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- (b) Prior to commencement of development, a detailed restoration plan,

including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, substation, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

- (c) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

Reason: To enable the Planning Authority to review the operation of the solar array in the light of the circumstances then prevailing and in the interest of orderly development.

- 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. 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.

- 7. 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.

- 8. (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.

(c) Cables within the site shall be located underground.

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

Reason: In the interests of clarity, visual and residential amenity.

9. Detailed glint and glare surveys shall be submitted to the planning authority following commissioning and on an annual basis for a period of two years. In the event that the development, once installed, gives rise to negative effects to properties, traffic or aircraft operations, the applicant shall implement appropriate measures to reduce such affects to an acceptable level of safety. This shall be subject to the prior written agreement of the planning authority.

Reason: In the interests of residential amenity and road and air traffic safety.

10. (a) The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including but not limited to, hours of working, noise and dust management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

(b) During construction, traffic shall be managed in accordance with a Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In this regard, details of the haul route shall meet the requirement of the Planning Authority.

Reason: In the interests of traffic management and road safety, residential

amenity and protection of the environment.

11. All screen planting 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, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the Planning Authority, to secure the reinstatement of public roads that may be damaged by construction transport coupled with an agreement empowering the Planning Authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the Planning Authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the reinstatement of public roads that may be damaged by construction transport.

13. Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the Planning Authority, to secure the satisfactory reinstatement of the site 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.

14. The developer shall pay to the planning authority a financial contribution in

respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Patricia Calleary
Senior Planning Inspector

2nd April 2019