



An
Bord
Pleanála

Inspector's Report ABP-302368-18

Development	Solar farm
Location	Newtown, Beauparc, Navan, Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	LB180570
Applicant(s)	Panda Power
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Panda Power
Observer(s)	None
Date of Site Inspection	15 th February 2019
Inspector	Karla Mc Bride

1.0 Site Location and Description

- 1.1. The appeal site is located within a rural area on the S side of Slane in County Meath and the surrounding lands are in agricultural use. The site is located on the E side of the N2 national primary road, c.4km to the S of Slane and c.400m the N of Rathdrinagh Crossroads. There are several farm buildings and houses in the vicinity along with three houses to the immediate N and S of the site along the main road.
- 1.2. The low-lying site comprises 2 x rectangular shaped agricultural fields that are used for tillage (currently turnips), the site boundaries are defined by mature hedges and trees and the site is traversed by overhead powerlines. There are two field entrances off the N2 which are located in the NW corner of the site and mid-way along the roadside boundary.
- 1.3. The surrounding area has a rich archaeological heritage which includes the Newgrange Complex c. 4.5km to the N and the River Boyne and River Blackwater SPA and SAC is located c.2.7km to the NE.
- 1.4. Photographs and maps in Appendix 1 describe the site and environs in more detail.

2.0 Proposed Development

- 2.1. Install a 3MW solar farm with a c.30-year lifespan on a c.12.5ha site comprising:
 - Photovoltaic panels on ground mounted frames (unspecified number dependent on ground conditions).
 - A single storey ESB MV sub-station/switch room building (10m x 4.3m)
 - 3 x transformers, ducting & underground electrical cabling
 - Perimeter fencing & pole mounted CCTV cameras (3m high)
 - Upgrade existing vehicular entrance, new gate & internal access track
 - All associated site works & services
 - 10-year permission requested

Accompanying documents:

- Planning Statement
- Traffic and Access Assessment Report
- AA Screening report
- Ecological Assessment report
- Glint & Glare report

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused for 2 reasons related to:

1. Intensification of use of an existing entrance located on the N2 National Route where the maximum speed limit applies, precedent & the proliferation of similar type developments would reduce the capacity of the road, endanger public safety by reason of a traffic hazard, interfere with the free-flowing nature of traffic, and adversely affect the use of a National road.
2. Contrary to policy TRAN POL 28 of the Development Plan and DoECLG Spatial Planning & National Roads Guidance for PAs (2012), material contravention of Development Plan policy, endanger public safety by reason of a traffic hazard, and contrary to Ministerial Guidelines.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer recommended that planning permission be refused.

3.2.2. Other Technical Reports

Transportation: Recommended refusal for reasons related to intensification of an entrance on to the N2 & inadequate sightlines.

Drainage: No objections.

Conservation: No objections.

3.3. Prescribed Bodies

TII: Objected to the proposal which is at variance with official policy in relation to the control of development on/affecting national roads.

DAA: No objections subject to conditions

IAA: No objections subject to conditions

3.4. Third Party Observations

None received.

4.0 Planning History

None attached.

5.0 Policy Context

5.1. National and Regional Policy

EU Directive - Energy from Renewable Resources

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

National Planning Framework, 2018 (NPF)

The NPF is the Government's high-level strategic plan which will shape the future growth and development of the country up to 2040. It seeks to harness the country's renewable energy potential, achieve a transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050, and promote new energy systems and transmission grids based on renewables-focused energy generation system, including solar energy.

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

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

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

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

This is a research paper by Future Analytics Consulting contains a set of recommendations on planning policy and development guidance which may contribute to the evidence base that will inform the development of Section 28 planning guidance for Utility Scale Solar Photovoltaic (USSPV) developments in Ireland. Recommendations include that the development plans set out policy objectives to support USSPV development and put in place development management standards. Agricultural lands are listed amongst the list of types of locations where such development is particularly suited.

Food Wise 2025 (Department of Agriculture, Food and the Marine, 2015)

This document sets out a 10-year vision for the Irish agri-food industry up to 2025. Subject to following actions identified in the strategy, the sector projections are to increase value of agri-food exports by 85%, increase value added in the agri-food,

fisheries and wood products sector by 70%, increase the value of Primary Production by 65% and create an additional 23,000 direct jobs in the agri-food sector. To achieve the projections set out above, Food Wise 2025 identifies c.400 recommendations and actions to achieve sustainable growth.

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

Strategic Policy PIP4 states 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.

Spatial Planning and National Roads, Guidelines for Planning Authorities 2012

These guidelines set out planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions, outside the 50-60km/h speed limit zones for cities, towns and villages. Section 2.5 states that the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/h apply. This provision applies to all categories of development.

5.2. UK Solar Energy Development Guidance

PPG for Renewables and Low Carbon Energy (DCLG 2015)

This guidance includes advice on planning considerations relating to specific renewable technologies (including solar power) and it includes the following points:

- Encourage use of brownfield land.
- Where agricultural land is used it should allow for continued agricultural use.
- Poorer quality Greenfield land should be used in preference to higher quality.
- Consider visual impacts, the impacts of glint & glare on the landscape, local residents and aircraft safety, and the potential to mitigate these impacts for example through screening with native hedges.

PPG for renewable & low carbon energy (BRE National Solar Centre (UK) 2013)

This guidance provides similar advice to the PPG, but also includes advice on EIA and it provides advisory information on planning application considerations.

Renewable Energy PG Note 2 – The Development of Large Scale (>50 kW solar PV arrays) – Cornwall (UK) 2012

This document recognises landscape and visual amenity as one of the most significant impacts and it provides specific guidance on planning considerations.

Devon Landscape Policy Group Advice Note No.2 – Accommodating Wind and Solar PV Developments in Devon’s Landscape, 2013

This document recommends siting solar developments on lower slopes or within folds in gentle undulating landscapes or on flat plateau sites rather than upper slopes or coastal headlands, and in landscapes with a sense of enclosure. Appendix 2 provides a classification of scale from Very small (< 1ha), Small (>1-5ha), Medium (5-10ha); Large (> 10 to 15ha) to Very Large (>15 ha).

5.3. Meath County Development Plan 2013 to 2019

Strategic Planning Approach:

Core Principle 8 seeks to support agriculture & agricultural related development in Meath and strengthen the county as a hub for the vibrant agricultural & food sectors.

Energy & communications policies & objectives:

EC POL 1: seeks to facilitate energy infrastructure provision, including the development of renewable energy sources at suitable locations.

EC POL 2: seeks to support international, national & county initiatives for limiting emissions of greenhouse gases through energy efficiency & renewable energy.

EC POL 3: seeks to encourage the production of energy from renewable sources including solar, subject to normal proper planning & environmental considerations.

EC POL 4: seeks to support the National Climate Change Strategy and, in general, to facilitate measures which seek to reduce emissions of greenhouse gases.

EC OBJ 3: seeks to investigate the preparation of a renewable energy strategy.

Renewable Energy: the Council is committed to developing a more diverse range & combination of energy sources (including solar energy).

All Renewable Energy Developments: the Council will take the proper planning & sustainable development of the area into account and will consider the environmental and social impacts of the proposed energy development.

Employment in Agriculture: sustain rural communities & farm diversification.

Biofuels and Renewable Energy: renewable energy generation is a growing sustainable industry that can supplement the development of the rural economy.

ED POL 5: seeks to promote continued growth in rural areas by encouraging rural enterprise, especially those activities that are resource dependent (including energy production) in a sustainable manner at appropriate locations.

Economic Development Strategy:

ED POL 19: seeks 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).

Transportation:

TRAN POL 28: seeks to safeguard the capacity & safety of the National road network by applying the provisions of Spatial Planning & National Road Guidance.

Heritage:

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

LC OBJ 5: seeks to preserve the views & prospects and the amenity of places and features of natural beauty or interest listed in Appendix 12 (Map 9.5.1) from works that would interfere with the character & visual amenity of the landscape.

Appendix 7 - Landscape Character Assessment: the site is located within Landscape Character 6 (Central Lowlands), which is described as having a High landscape value and Moderate landscape sensitivity, and which has the capacity to absorb renewable energy developments, overhead cables, sub stations and masts.

5.4. **Natural Heritage Designations**

River Boyne & River Blackwater SAC & SPA c.2.7km to NE.

5.5. **Screening for Environmental impact assessment**

Having regard to the nature and scale of the proposed development, its location within an agricultural field, and the separation distance to any sensitive location, there is no real likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of First Party Appeal**

Intensification of use of existing entrance:

- No intensification of use during the operational phase & closure of the N entrance will result in a decrease in use.
- Lands are in agricultural use for cereal growth, CSO figures recorded an overall growth in cereals (wheat, oats & barley) in 2017 to 8.8 tonnes /ha., therefore c.110 tonnes of cereal are grown on this site during a typical year.
- The crop is planted, treated, harvested and transported by large tractors fitted with or pulling heavy agricultural equipment that access the site over the 6-month growing season, which results in an average of 6.5 visits per month.
- Direct access off the N2 is via overgrown entrances with no clear sightlines.
- TIA indicates a total of 265 trips during the construction phase with no specific figure for the operational phase, although it states that trip generation would not increase over the current agricultural use.
- Experience confirms that maintenance of solar panels & their support systems is minimal, they are continuously monitored remotely and require few visits.
- Similar solar farm in Westbury, England requires 27 visits per annum of small LGVs which is less than the 78 vehicle trips per year for agricultural use.

- There would be a decrease in traffic movements over a 20-year period:
 - Agricultural use: $78 \times 20 = 1,560$
 - Solar farm development & use: $265 + (27 \times 20) = 805$.

Setting a precedent for similar entrance:

- Each application should be treated on its merits.
- If precedent is considered, then it should be in the context of closing an existing entrance & reducing the volumes accessing the lands.

Interfering with the free flow of traffic resulting in a traffic hazard:

- Reason for refusal only considered the supposed increase in turning movements and did not relate to sightlines, or vertical or horizontal alignment.
- This section of the N2 is straight with generous hard shoulders.
- Existing middle entrance will be set back 11.5m and clear 22m sight lines will be created in both directions, and the N hazardous entrance will be closed.
- Nature of vehicles will change from slow moving large agricultural vehicles to small fast moving LGVs (vans).

Reduced capacity on a national primary road:

- The reason for refusal refers to reduced capacity along the N2.
- TIA illustrates that there is no issue with the capacity of the N2 given the relatively light AADT.
- Traffic generation will be reduced and the road has adequate capacity.

6.2. Planning Authority Response

No new issues raised.

6.3. Prescribed Bodies

No further submissions.

6.4. Observers

None.

7.0 Assessment

The main issues arising in this case relate to the following:

- Material contravention
- Principle of development
- Use of agricultural land
- Visual & residential amenity
- Vehicular access & traffic movement
- Other issues
- Screening for Appropriate Assessment

7.1. Material contravention

Reason no.2 of the planning authority's decision to refuse permission stated that:

Having given consideration to the nature of the proposed development as indicated on the plans and particulars submitted including the intensification of an existing entrance located on the N2 National Route where the maximum speed limit applies, it is considered that the proposed development would be contrary to policy TRAN POL 28 of the Meath County Development Plan, 2013-2019, would be contrary to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). Accordingly, to grant the proposed development would contravene materially a policy of the County Development Plan, would endanger public safety by reason of a traffic hazard, would be contrary to Ministerial Guidelines issued to planning authorities under Section 28 of the Planning and Development Act 2000, as amended, and therefore be contrary to the proper planning and sustainable development of the area.

TRAN POL 28 of the Meath County Development Plan 2012 to 2019 seeks to safeguard the capacity and safety of the national road network by applying the provisions of Spatial Planning and National Road Guidance. Section 2.5 of the Spatial Planning and National Roads Guidance states that the policy of the planning

authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/h apply.

Section 37 (2) (a) and (2) (b) of the Planning and Development Act, 2000 (as amended) set out the circumstances under which the Board can overturn the decision of a planning authority when material contravention forms part of the reason for refusal. These circumstances relate to developments that are of national or regional importance, the lack of incorporation of all relevant national planning policy and regional guidance into the Development Plan, conflicting policies and objectives in the Development Plan, and the pattern of planning permissions for similar development in the area since the last Development Plan was adopted.

The proposed development is not of national or regional importance although it would serve to implement national and regional policy with respect to renewable energy production and it would contribute to a reduction in greenhouse gas emissions in line with EU and national policy. The Development Plan incorporates all relevant national planning policy and regional guidance and Development Plan policies and objectives are clearly stated without conflict. The pattern of planning permissions since the last Development Plan was adopted reflect current planning policy for the area. I am satisfied that the current case does not represent an exemption under Section 37 (2) (b).

However, it is noted that Section 2.5 of the Spatial Planning and National Roads Guidance relates to the creation of additional access points from new development or the generation of increased traffic from existing accesses. The site is currently served by two existing entrances off the N2. The proposed development would not provide a new entrance off the national road however it would utilise one of the existing entrances and close the other. Furthermore, the proposed development would not give rise to increased traffic from the existing retained agricultural access during the operational phase having regard to the nature of the proposed development, the use of remote monitoring technologies and the anticipated infrequency of the maintenance visits. This is elaborated on in section 7.5 below.

Having regard to the foregoing, I am satisfied that the provisions of the Spatial Planning and National Roads Guidance 2012 do not apply in this instance and that the proposed development would not therefore materially contravene TRAN POL 28 of the Meath County Development Plan 2013-2019.

7.2. Principle of development

The proposed 3MW solar farm development would be located in a rural area and the c.12.5ha site is currently used for tillage. The proposed development would comply with national, regional and local planning and environmental policy which supports a move to a low carbon future and encourages the use of renewable resources to reduce greenhouse gas emissions. National policy recognises the role of solar power whilst policies EC POL 1 and 3 of the Development Plan support renewable energy subject to normal planning and environmental considerations. The proposed development would contribute to the national targets set for Ireland of 40% of the country's electricity to come from renewable sources by 2020 as part of its mandatory obligation under the EU Renewable Energy Directive 2009/28/EC to source 16% of all energy consumed from renewable sources by 2020. These targets are required to reduce greenhouse gas emissions and to ensure a secure energy supply. The proposed development, which would contribute the achievement of these targets, would be acceptable in principle.

7.3. Use of Agricultural land

The proposed solar farm would be located on agricultural lands that are currently used for tillage. There is no national guidance in relation to where solar farms should or should not be located and there is no policy which precludes the development of solar farms on agricultural land. It is noted that UK guidance seeks to direct large-scale solar farms to previously developed brownfield sites and it has a grading system for land, ranging from Grade 1 (most productive) to Grade 5 (most marginal) and most agricultural land is mid-range.

At national level, the agricultural strategic vision as set out in Food Wise 2025 supports increasing the value of agri-food, fisheries and wood production sector by 70% and the value of food exports by 85%. The strategy also recommends on-farm

diversification along with a suite of recommendations and actions which do not place any restrictions on land use. Having regard to scale of the proposed 3MW solar farm on the c.12.5ha site it is unlikely that the proposed development would compromise the value of agri-food or the value of food exports to such an extent that it would outweigh the renewable energy benefits of the proposed development.

At local level, the Development Plan supports farm diversification and policies ED POL 5 and 19 seek to encourage and promote rural enterprise including energy production. There would be local employment opportunities during the construction phase and the development would contribute to a reduced need for energy imports. The dual agricultural use of the lands for grazing could continue with the PV solar arrays in place and it is noted that sheep growth opportunities are envisaged under Food Wise 2025. The temporary c.30-year duration of the use would also ensure that there would be no permanent or irreversible loss of agricultural land.

7.4. Visual and residential amenity

As previously stated, there is no national guidance in relation to solar farms however various UK guidance documents identify the impacts on landscape and visual amenity (including glint and glare) as two of the main concerns. The guidance recommends that gently undulating landscapes or flat plateau sites are preferable to sensitive locations, and that mitigation of visual impacts could be achieved by way of screening with native hedges. It is noted that the 12.4ha site would be classified as Large under UK guidance on a scale that ranges from Very Small to Very Large.

The proposed solar farm would occupy a relatively flat site that is located within Landscape Character 6 (Central Lowlands) which is described as having a High landscape value and Moderate landscape sensitivity. This extensive area has been identified as a landscape that has the capacity to absorb renewable energy developments. The solar farm would comprise a series of photovoltaic panels on c. 2.5 to 3m high ground mounted frames that would traverse the site from W to E. It would also comprise a single storey sub-station/switch room building (10m x 4.3m), 3 x transformers, perimeter fencing and pole mounted CCTV cameras (3m high). All ducting and cabling would be underground.

The application was accompanied by a Glint and Glare report which identified the potential for reflectance periods on the surrounding area including roads and houses and concluded that any adverse impacts on visual and residential amenities and passing motorists would be minimal, seasonal and weather dependent.

Notwithstanding this conclusion, it is noted that the hedgerow along the roadside boundary with the N2 is relatively low and neatly trimmed and as a result it would not provide adequate visual screening for passing motorists. However, this concern could be addressed by planting additional semi-mature native trees along the entirety of the W site boundary with the road. Species and location details should be agreed in writing with the planning authority before development commences and the additional trees should be in place before the solar farm is operational.

The proposed development would not have an adverse impact on the residential amenities of the three houses located to the NW and SW of the solar farm or any other houses in the wider area, subject to the aforementioned augmentation of the existing hedgerow boundaries with semi-mature trees. Furthermore, no artificial lighting should be installed or operated on site without a prior grant of planning permission and the CCTV cameras should be fixed and angled to face into the site and not directed towards the road or nearby houses. These concerns could be addressed by way of a planning condition.

7.5. Vehicular access and traffic

The proposed development would be located along the N2 national primary road, within the 100km/hr speed zone and along a straight but slightly undulating section of carriageway which has hard shoulders on either side. The road is moderately trafficked and operational speeds are relatively high. Several existing agricultural and residential sites have direct access to this road and the two existing site entrances are located in the N corner and middle section of the roadside boundary. The northernmost entrance would be closed and the middle entrance would be set back and upgraded. The internal access road would run parallel to the W site boundary with the N2 and across the N section of the site. The application was accompanied by a Traffic and Access Assessment report and a Glint and Glare report.

Transport Infrastructure Ireland (TII) raised concerns at the planning application stage that the proposal was at variance with national policy in relation to the control of development on or affecting national roads, and the Council's roads department recommended refusal of permission for reasons related to intensification of an entrance on to the N2 and inadequate sightlines. Planning permission was subsequently refused for two traffic safety reasons related to: - intensification of use of an existing entrance, precedent and proliferation of similar type developments; and material contravention of local policy TRAN POL 28 and the national Spatial Planning & National Roads Guidance for PAs (2012). The material contravention issue is addressed in section 7.1 above.

Section 2.5 of the Spatial Planning and National Roads, Guidelines for PAs (2012) seek to avoid the creation of any additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/h apply. TRAN POL 28 of the Development Plan seeks to safeguard the capacity and safety of the National road network by applying the provisions of Spatial Planning and National Road Guidance.

The applicant submits that the proposed development would not intensify the use of the existing entrance during the operational phase as the solar farm will generate a very low level of traffic compared with the existing agricultural use of the site, and that the N access will be closed. The applicant further submits that the issue of precedent is not relevant as each case should be assessed on its merits, and that the proposal would not interfere with the free flow of traffic or give rise to a traffic hazard along this straight section of the N2 which has sufficient capacity to accommodate the predicted low level of operational traffic.

Construction phase:

The applicant's Traffic Report states that the anticipated traffic movements during the construction phase would be less than 6 HGV movements per week over the c.12-week installation period, with the exception of 1 week when there would be a maximum of 8 HGV movements per day when stone would be delivered for the internal roads. Furthermore, it anticipates a total of 265 vehicle trips for construction operatives over the same timeframe (c. 7 x LGV trips per day). A Construction

Management Plan will be prepared with advance warning and information signing indicating a temporary works access and likelihood of traffic ahead.

Having regard to the short-term duration of the works, the proposed traffic arrangements are considered acceptable. However, the traffic management plan should be prepared in consultation with the planning. This concern could be addressed by way of a planning condition. The effects of construction traffic on the operation of the N2 would be acceptable given the limited duration of the works.

Operational Phase:

The Traffic Report states that the site will generate c.1 vehicle trip per quarter by a maintenance engineer as the site will be remotely monitored. It states that the development would comply with the required stopping distances for roads with a speed limit of 100km/hr (215m) and for the recorded 104km/hr during the traffic surveys (228m). It states that the development would comply with the required visibility sightlines for national roads with a speed limit of 100km/hr and that a reduced setback of less than 3m would be acceptable given the predicted low intensity and infrequent use of the entrance during the operational phase. It concludes that the sightlines to the N and S of the entrance would be more than 228m and that the proposed development would not give rise to a traffic hazard.

Having regard to the current agricultural use of the site and the nature and scale of the proposed development along with the remote monitoring and infrequent maintenance visits, I am satisfied that the proposed development would not result in either a new entrance off the N2 or give rise to a significant intensification of the use of the existing retained entrance, over and above the current agricultural use.

Having regard to the physical characteristics of the N2 carriageway in the vicinity of the site, I am satisfied that the proposed entrance and sightlines are adequate and that sufficient stopping distances could be provided in line with required standards for both the 100km/hr speed limit and the recorded speeds. The proposed solar farm would not give rise to a traffic hazard or endanger the safety of other road users.

Having regard to the traffic survey records, I am satisfied that the road network would have more than adequate spare carrying capacity to accommodate any additional traffic associated with the operation of the solar farm.

Glint and glare: I am satisfied that the proposed solar farm would not have an adverse impact on the visibility and safety of passing motorists by way of glint and glare, subject to the aforementioned augmentation of the existing hedgerow boundaries to the W along the N2 with native semi-mature trees.

Conclusion:

Having regard to the above, I am satisfied that the vehicular access arrangements and sightlines along the N2 are adequate and that the traffic generated during the construction and operational phases would not give rise to a traffic hazard or endanger the safety of other road users. The augmentation of the roadside boundary hedgerows with semi-mature trees would ensure that passing motorists are not distracted by glint and glare from the solar panels.

7.6. **Other issues**

Archaeology: There are several features of archaeological interest in the wider area and pre-development testing and site monitoring are required.

Ecology: The application was accompanied by an Ecological Assessment report and the contents are noted. The proposed development would comprise the removal of internal hedgerows and culverting of drainage ditches which would result in a loss of biodiversity which could have an adverse effect on commuting or foraging species of mammal such as Otter and Bats. However, it is likely that Otters will continue to commute along other nearby field drains and watercourses, and it is unlikely that the site contains suitable roosting habitat for bats. Although the works will cause a general disturbance during the construction phase, most animal species will gradually return and habituate to the presence of a solar farm on the lands.

Flood risk: The proposed development would not be located within an area that is prone to flooding, it would be located within an agricultural field with minimal interference to soil permeability and it would not give rise to a flood risk.

7.7. Screening for Appropriate Assessment

Compliance with Articles 6(3) of the EU Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the 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 in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

Stage 1 AA Screening Report

The screening report described the site, the location and the proposed development, it summarised the regulatory context and it carried out a desk top surveys. It stated that the site is in the catchment of the River Boyne and it identified the presence of manmade ditches that drain to an unnamed stream to the E of the site which is a tributary of the Roughgrange River which in turn discharges to the River Boyne c.3km to the NE of the site. The River Boyne is covered by two European site designations (River Boyne and River Blackwater SAC and SPA). The report confirmed that the proposed development would not be located within any of the European sites. It described the sites and their respective qualifying habitats and species and it listed their conservation objectives. The Stage 1 AA Screening Report concluded that the proposed development would not present a significant risk to the Qualifying Interests or Conservation Objectives of the European sites and that an NIS was not required.

AA Screening Assessment

The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites. The following European sites are located within a 15km radius and their Qualifying and Conservation Interests, and separation distances are listed below.

European Site	Site Code	Relevant QIs & CIs	Distance
River Boyne & River Blackwater SAC	002299	River lamprey, Salmon, Otter, Alkaline fens & Alluvial forests	c.2.7km to NE
River Boyne & River Blackwater SPA	004232	Common Kingfisher	c.2.7km to NE

The construction phase of the proposed development would comprise site levelling, the removal of internal hedgerows, the culverting of drainage ditches and the installation of solar panel structures which would be secured to the ground. There would be minimal site clearance and excavation works. Adherence to best practices methodologies during the construction phase would control the release of sediments to surface water and prevent surface and ground water pollution as a result of accidental spillages and leaks. There is an aquatic connection between the solar farm site and the European sites via the onsite drains, an unnamed stream and the Roughrange River which drains into the River Boyne to the NE of the site. However, the having regard to the nature and scale of the proposed works and the substantial c.2.7km separation distance to the nearest European site, it is unlikely that any sediments released during the construction phase would reach the European sites, provided that best construction practices are adhered to. The operational phase of the proposed solar farm would be environmentally benign with no adverse effects anticipated, and there is no potential for cumulative impacts in-combination with other plans and projects in the surrounding area.

Having regard to the nature and scale of the proposed development, and notwithstanding the presence of an aquatic connection to the European sites via the onsite drains and nearby watercourses, and taking account of the substantial separation distance to the nearest European sites and to the nature of their qualifying interests and conservation objectives, it is my opinion that the proposed development, subject to compliance with best construction practices, does not have the potential to affect the European sites or their conservation objectives.

AA Screening Conclusion

It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 002299 and 004232, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

Arising from my assessment of this appeal case I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below, and subject to the attached conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the County Meath Development Plan 2013 to 2019, and to the nature, and scale of the proposed development, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area or of property in the vicinity or give rise to a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.

3. The permission shall be for a period of 30 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

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

4. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

5. The developer shall comply with the following landscaping requirements:

- a. Existing field boundaries shall be retained and new planting undertaken. Revised drawings indicating existing and proposed landscaping, including augmentation of existing boundary trees and hedgerows, new planting taking into account the western boundary where a low hedgerow exists and any trees or planting proposed to be removed, shall be submitted for approval by the Planning Authority prior to commencement of the development.
- b. All landscaping, including augmentation of existing boundary trees and hedgerows, shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased within five years from planting shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

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

6. The developer shall comply with the requirements of the planning authority in relation to the provision of adequate sightlines at the site entrance off the N2.

Reason: In the interest of traffic safety.

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

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

8. The developer shall comply with the following technical requirements:

- a. No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
- b. CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
- c. Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.
- d. The solar panels shall have driven or screw pile foundations only, unless otherwise agreed in writing with the planning authority.
- e. Cables within the site shall be located underground.

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

9. The developer shall comply with the following restoration requirements:

- a. Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, shall be submitted to and agreed in writing with the planning authority.
- b. On full or partial decommissioning of the solar array, or if the solar array ceases operation for a period of more than one year, the site shall be restored and structures removed in accordance with the said plan within three months of decommissioning/cessation, to the written satisfaction of the planning authority.

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

10. The developer shall comply with the following archaeological requirements:

- (a) Pre-development archaeological testing shall be undertaken by a suitably qualified archaeologist, licensed under the National Monuments Acts 1930-2004. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her written consent.
- (b) A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. A copy of the report shall be submitted to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- (c) The planning authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs shall be notified in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

12. The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

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

13. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of a traffic management plan, intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.
Reason: In the interests of public safety and residential amenity.

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. The application of any indexation required by this condition 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.

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.

Karla Mc Bride
Planning Inspector

28th February 2019