



An
Bord
Pleanála

Inspector's Report ABP-303568-19

Development	Proposed electrical substation and associated 110kV and MV infrastructure required to connect ground mounted solar PV generation to the electrical transmission system, underground cabling and all associated ancillary site development work.
Location	Gillinstown, Duleek, Co. Meath
Planning Authority	Meath County Council
Applicant	Highfield Solar Limited
Type of Application	Application under the provisions of Section 182A of the Planning and Development Act 2000, as amended
Observer(s)	Meath County Council Transport Infrastructure Ireland
Date of Site Inspection	4 th June 2019
Date of Oral Hearing Completion	N/A
Inspector	Niall Haverty
Inspector's Recommendation	Grant Permission with Conditions

Contents

1.0 Introduction	4
2.0 Project Background	4
3.0 Site Location and Description.....	5
3.1. Overview	5
3.2. Natural Heritage Designations.....	6
4.0 Proposed Development.....	6
5.0 Planning History.....	7
5.1. Application Site	7
5.2. Surrounding Area.....	8
6.0 Legislative and Policy Context	8
6.1. National Policy	8
6.2. Regional Policy	10
6.3. Local Policy	12
6.4. Other Policy and Guidance.....	14
6.5. EIA Screening	16
6.6. Local Authority	17
6.7. Prescribed Bodies.....	18
6.8. Observers.....	19
6.9. Applicant's Response	20
6.10. Other Responses.....	22
7.0 Oral Hearing.....	22
8.0 Planning Assessment	22
8.1. Introduction.....	22
8.2. Principle and Planning Policy	23

8.3.	Potential Impact on Leinster Orbital Route	25
8.4.	Landscape and Visual Impact	27
8.5.	Flood Risk and Surface Water Management	29
8.6.	Residential Amenity	31
8.7.	Noise	32
8.8.	Other Issues	32
9.0	Appropriate Assessment	35
9.1.	Introduction.....	35
9.2.	AA Screening	36
9.3.	AA Screening Conclusion	40
10.0	Recommendation	40
11.0	Reasons and Considerations	40
11.2.	Proper Planning and Sustainable Development.....	41
11.3.	Appropriate Assessment Screening.....	41
12.0	Conditions	42

1.0 Introduction

- 1.1. An application has been made by Highfield Solar Limited under the provisions of section 182A of the Planning and Development Act 2000, as amended ('the Act'), for the development of a 110kV electrical substation and associated electrical infrastructure, cabling and ancillary site development works in the townland of Gillinstown, to the west of Duleek, Co. Meath.
- 1.2. The purpose of the proposed development is to connect a permitted solar farm to the existing adjacent Platin – Gorman 110kV overhead line and to thus export electricity from the solar farm, when constructed and operational, to the national grid.

2.0 Project Background

- 2.1. The solar farm that would be connected to the national grid by the proposed substation development was granted permission by the Board on 8th March 2019 (ABP Ref. PL17.248146; Reg. Ref. LB/160898) following a third party appeal. The solar farm, as originally proposed, was split across two sites (referred to in that application as Sites 1 and 2) and included options for either 38kV or 110kV substations. In the course of its assessment of the appeal, the Board issued notices to the applicant under sections 132 and 137 of the Act relating to, *inter alia*, the 110kV substation and the possibility that it might constitute strategic infrastructure development.
- 2.2. The applicant subsequently made a request to enter into pre-application consultation under section 182E of the Act on 11th May 2018 (Ref. ABP-301601-18). Following an assessment and recommendation from the reporting inspector, the Board determined on the 21st September 2018 that the proposed development falls within the scope of section 182A, and accordingly would comprise strategic infrastructure. On foot of that determination, the applicant subsequently submitted this application under the provisions of Section 182A of the Act.
- 2.3. With regard to the solar farm, the Board ultimately made a split decision, granting permission for the larger western solar array in the townlands of Garballagh, Thomastown and Gillinstown, (Site 1) and refusing permission for the smaller

eastern solar array in the townland of Downestown (Site 2). Condition 3(a) of the Board Order states that:

“The 110kV substation and associated infrastructure located on site 1 shall be omitted. Any proposal for a substation and associated infrastructure to serve the proposed development shall form part of a separate planning application to the planning authority or the Board, as appropriate.”

3.0 Site Location and Description

3.1. Overview

- 3.1.1. The application site, which has a stated area of 1.45 hectares, is located in the townland of Gillinstown, c. 1.5km west of Duleek in Co. Meath. The site, which is irregularly shaped and currently undefined, is split across two large fields that are currently in tillage use, and which form part of a larger block of land extending to c. 131 ha upon which planning permission has been granted for a solar farm, as noted above. The fields within which the application site is located are gently undulating with mature trees and hedgerows along their boundaries.
- 3.1.2. A railway line that connects Tara Mines and Navan to the Drogheda railway line is located c. 80m to the north of the application site and a small stream that runs from west to east is located c. 115m south of the site. This stream is a tributary of the River Nanny. An existing 110kV overhead power line is located to the north of the site and is partially overlapped by the site boundary. The 110kV line is generally supported on wooden double pole-sets, with the exception of a steel lattice tower located within the application site, which facilitates a change in direction. A gas main and its associated exclusion zone is located to the south.
- 3.1.3. The surrounding lands are generally in agricultural use. The closest public roads to the application site are Downestown Road, which is c. 300m east of the site boundary (and c. 500m east of the substation location), and the R150 Regional Road, which is c. 900m to the south. The closest dwelling, which is located within the same landholding, is located c. 260m north of the site, while the closest ‘non-involved’ dwellings are located on the Downestown Road at a minimum distance of c. 400m from the proposed substation location.

3.2. Natural Heritage Designations

- 3.2.1. There are 5 No. European sites designated under the Habitats Directive located within 15km of the proposed development. These are the: River Boyne and River Blackwater SPA (site code 004232) and the River Boyne and River Blackwater cSAC (site code 002299) which are located c. 3km to the north; the Boyne Estuary SPA (004080), which is c. 9.5km to the north east; the Boyne Coast and Estuary SAC (001957), which is c. 10.7km to the north east; and the River Nanny Estuary and Shore SPA (Site Code 004158) which is located c. 11.3km to the east.
- 3.2.2. There are nine pNHAs and no NHAs recorded within 10km of the site. The closest such site is Thomastown Bog pNHA, which is located c. 400m to the west.

4.0 Proposed Development

4.1. The proposed development consists of:

- an electrical substation and associated 110kV and MV infrastructure required to connect the permitted ground-mounted solar PV generation to the electricity transmission system;
- lightning protection masts (17.6m high);
- perimeter security fencing (palisade fencing with a height of 2.4-2.6m);
- CCTV cameras (5m max. height);
- access tracks;
- 110kV end masts;
- underground cabling;
- temporary construction compound;
- drainage infrastructure and all associated ancillary site development work.

4.2. It should be noted that there are two elements to the substation development, contained within two adjacent compounds, comprising an EirGrid compound and an Independent Power Producer (IPP) compound. These include both SID (110kV infrastructure) and non-SID (generation asset) works, respectively. While both elements of the substation are within the 'red line' application boundary, the SID

works, for which permission is sought, comprise the construction of a Gas Insulated Switchgear (GIS) building within the EirGrid compound. This comprises a structure with dimensions of c. 20m x 27m and a maximum height of c. 8.2m, with green metal cladding. A banded step-up transformer also forms part of the SID works.

- 4.3. With regard to the proposed connection to the existing 110kV overhead power line, it is proposed to replace an existing wooden pole-set with a steel lattice tower, and to decommission the section of overhead line between this new tower and an existing tower immediately north of the proposed substation. The electrical connections between the existing/proposed lattice towers and the proposed substation will be via c. 380m of underground 110kV cables.
- 4.4. The new access tracks for which permission is sought are within the substation compound, with the track from the site entrance to the substation having been granted permission under PL17.248146.
- 4.5. Permission is sought for a period of ten years, and the application was accompanied by a number of planning and environmental reports, related drawings, technical appendices and a Natura Impact Statement.

5.0 Planning History

5.1. Application Site

5.1.1. PL17.248146 (Reg. Ref. LB/160898)

5.1.2. Application to construct a Solar PV Energy development with a total site area of 150.29 hectares, to include two electrical substation buildings and associated compounds, electrical transformer and inverter station modules, storage modules, Solar PV panels ground mounted on support structures, access roads and internal access tracks, spare parts storage container, fencing, electrical cabling and ducting, including undergrounding of existing electrical cabling, CCTV and other ancillary infrastructure, additional landscaping and habitat enhancement as required and associated site development works at Garballagh, Thomastown, Gillinstown and Downestown, Duleek, County Meath.

5.1.3. Following a third party appeal, the Board issued a split decision, granting permission for the western solar array and associated development in the townlands of

Garballagh, Thomastown and Gillinstown (Site 1) and refusing permission for the eastern solar array and associated development in the townland of Downestown (Site 2).

5.1.4. Condition 3 states:

(a) The 110kV substation and associated infrastructure located on site 1 shall be omitted. Any proposal for a substation and associated infrastructure to serve the proposed development shall form part of a separate planning application to the planning authority or the Board, as appropriate.

(b) 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.

5.2. Surrounding Area

5.2.1. ABP-303678-19

5.2.2. Current application by SSE Generation Ireland Ltd. under section 182A of the Planning and Development Act 2000, as amended, for an air insulated switchgear 110kV transmission substation at Carranstown and Caulstown, Platin, Duleek, Co. Meath. The proposed substation is planned to serve a proposed Open Cycle Gas Turbine Generation Plant which is the subject of a separate planning application. The proposed Platin substation would be c. 4.8km north east of the subject application site.

6.0 Legislative and Policy Context

6.1. National Policy

6.1.1. National Planning Framework

6.1.2. The National Planning Framework (NPF) is the overarching national planning policy document for Ireland. The NPF is a high-level strategic plan that sets out a vision for Ireland to 2040, expressed through ten National Strategic Outcomes (NSOs).

- 6.1.3. NSO No. 8 is “the transition to a low carbon and climate resilient society”. The NPF acknowledges that Ireland’s energy policy is focused on the pillars of sustainability, security of supply and competitiveness. It is an action of the NPF under NSO no. 8 to “reinforce the distribution and transmission network to facilitate planned growth and distribution of a more renewables focused source of energy across the major demand centres”.
- 6.1.4. National Policy Objective 55 states:
“Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.”
- 6.1.5. Energy Policy Framework 2007-2020 – Delivering a Sustainable Energy Future for Ireland (Energy White Paper)
- 6.1.6. This white paper sets out a strategic energy policy framework to deliver a sustainable energy future for Ireland. One of the key elements is to ensure the delivery of security of supply, which is considered to be essential for all sectors of the economy, for consumers in general and for society as a whole. The key items needed to deliver a secure supply of electricity on a consistent basis are identified as robust networks and electricity generating capacity. To this end, it is an overall objective to strongly support electricity investment programmes in the high voltage transmissions network and the distribution network, in order to facilitate regional development. The white Paper also sets the target of 33% of electricity being produced from renewable generation by 2020.
- 6.1.7. Ireland’s Transition to a low carbon Energy Future 2015-2030
- 6.1.8. This White paper on Energy policy published by the Department of Communications, Energy and Natural Resources in 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 as new energy solutions such as bioenergy, solar photovoltaic (PV) and offshore energy mature and become more cost effective they will be included in the renewable energy mix. The policy document recognises that solar photovoltaic (PV) technology is rapidly becoming cost competitive for electricity generation and that the deployment of solar

power in Ireland has the potential to increase energy security, contribute to our renewable energy targets and support economic growth and jobs.

6.1.9. Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012

6.1.10. In this policy statement the Government acknowledges the essential need to meet the demand for energy in a safe, secure and continuous manner as it is the lifeblood of the economy and society. It reaffirms the imperative need for development and renewal of the energy networks, in order to meet both economic and social policy goals. The Government endorses, supports and promotes the strategic programmes of the energy infrastructure providers, particularly EirGrid's Grid 25 investment programme across the regions. The benefits are identified as securing electricity supply to homes, businesses, factories and farms; underpinning sustainable economic growth in the regions and enabling Ireland to meet its renewable energy targets.

6.2. **Regional Policy**

6.2.1. Regional Spatial & Economic Strategy for the Eastern and Midland Regional Assembly

6.2.2. The RSES for the Eastern and Midland Regional Assembly area was adopted on the 3rd May 2019 and will come into effect on the 28th June 2019, at which point it will replace the Regional Planning Guidelines for the Greater Dublin Area 2010-2022.

6.2.3. At the time of writing, the final adopted Strategy was not available. I note that the Regional Strategic Outcomes contained in the Draft Strategy include 'Support the Transition to Low Carbon and Clean Energy' (RSO 9) and 'A Strong Economy supported by Enterprise and Innovation' (RSO 12). I also note Regional Policy Objectives RPO 10.15, 10.17 and 10.18, which support the development and strengthening of the electricity network.

6.2.4. Section 8.4 of the Strategy relates to Transport Investment Priorities. It identifies a series of specific road projects and schemes for the Region and states that "in addition, long term protection shall remain for the eastern bypass and the Leinster Outer Orbital Route".

6.2.5. Regional Planning Guidelines for the Greater Dublin Area 2010 – 2022

6.2.6. 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.

6.2.7. 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.

6.2.8. With regard to the Leinster Orbital Route, I note the following statements from Sections 3.5.6 and 6.3.2, respectively:

“The proposed Leinster Outer Orbital Route (LOOR) project and connection through to Arklow will have important implications for strategic planning and economic opportunity in the mid-East counties. Route selection and design should continue in order that planning authorities can evaluate implications and capitalise on the benefits and potential arising if this project is progressed from what is likely to be a significant national investment.”

“For the GDA only two major new regional scale road projects are under consideration by the Department of Transport the Leinster Outer Orbital Route (LOOR) and the Eastern By-Pass. The Orbital route through the Mid-East linking the growth towns was identified in the 1999 Strategic Planning Guidelines for the GDA and was subsequently supported in the 2004 RPGs. The route has an important role in providing improved accessibility and connectivity between the towns in the hinterland of the GDA. However, the

RPGs also recognise that this road has the potential to undermine the core consolidating strategy of the guidelines. Accordingly, the scale and capacity of the road must be calibrated to limit the potential for sprawl while improving connectivity between towns in the Mid-East and reduce the impact of the land take reservations on the areas around the corridor. A feasibility study was undertaken as part of Transport 21 and a protection corridor study has been issued by the NRA to relevant councils to protect potential junctions.”

6.3. Local Policy

6.3.1. Meath County Development Plan 2013-2019

6.3.2. Chapter 8 relates to energy infrastructure and Section 8.1.2 relates specifically to electricity and gas networks. The following Policies are noted:

- **EC POL 1:** To facilitate energy infrastructure provision, including the development of renewable energy sources at suitable locations so as to provide for further physical and economic development of Meath.
- **EC POL 2:** To support international, national and county initiatives for limiting emissions of greenhouse gases through energy efficiency and the development of renewable energy sources which makes use of the natural resources of the county in an environmentally acceptable manner, where it is consistent with proper planning and sustainable development of the area.
- **EC POL 3:** To encourage the production of energy from renewable sources, such as from biomass, waste material, solar, wave, hydro, geothermal and wind energy, subject to normal proper planning considerations, including in particular the potential impact on areas of environmental or landscape sensitivity and Natura 2000 sites.
- **EC POL 4:** To support the National Climate Change Strategy and, in general, to facilitate measures which seek to reduce emissions of greenhouse gases.
- **EC POL11:** To support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the County.

- **EC POL 12:** To co-operate and liaise with statutory and other energy providers in relation to power generation in order to ensure adequate power capacity for the existing and future needs of the County.
- **EC POL 13:** To ensure that energy transmission infrastructure follows best practice with regard to siting and design particularly to ensure the protection of all important recognised landscapes.
- **EC POL 16:** To require that the location of local energy services such as electricity, be underground, where appropriate.
- **EC POL19:** To seek to promote the undergrounding of existing overhead cables and associated equipment where appropriate.

6.3.3. Objectives EC OBJ 1 to EC OBJ 4 are also noted.

6.3.4. Appendix 7 includes a Landscape Character Assessment. The application site is located within LCA 6, 'Central Lowlands', which is described as having a high landscape value and moderate landscape sensitivity with a medium potential capacity to accommodate overhead cables, substations and communication masts "due to the complexity of the area, which has a variety of land uses and a robust landscape structure".

6.3.5. With regard to the Leinster Orbital Route, the following Policy and Objective are noted:

- **TRAN POL 27:** To co-operate with the NRA, NTA and other Local Authorities to provide the Leinster Outer Orbital Route as proposed in the Regional Planning Guidelines and the NTA's draft Transport Strategy.
- **TRAN OBJ 21:** To co-operate with the NRA, NTA and other Local Authorities in clarifying and finalising the route of the Leinster Outer Orbital Route (linking Drogheda, Navan, Trim and Naas) proposed in the 'Regional Planning Guidelines for the Greater Dublin Area' and the NTA's draft Transport Strategy. This is particularly important in the vicinity of proposed major junctions along the route in order to protect the identified corridor from development intrusion.

6.4. Other Policy and Guidance

6.4.1. Ireland's Grid Development Strategy 2017: Your Grid, Your Tomorrow

6.4.2. This document sets out EirGrid's strategy for the development of the electricity transmission system and replaces the earlier Grid 25 strategy. It sets out EirGrid's development priorities for the electricity grid, with an emphasis on facilitating economic growth, meeting increased demand and achieving Ireland's renewable energy goals.

6.4.3. Transport Strategy for the Greater Dublin Area 2016 – 2035

6.4.4. Section 5.8.1 relates to National Roads. It states that "the Leinster Orbital Route is an orbital road proposal extending from Drogheda to the Naas/Newbridge area with intermediate links to Navan and other towns. It would provide connections between these towns, currently poorly served by direct linkages, supporting their economic development and improvements in orbital public transport connectivity. While this project is not planned for implementation during the period of the Strategy, the finalisation of the route corridor and its protection from development intrusion is recommended."

6.4.5. Spatial Planning and National Roads Guidelines for Planning Authorities 2012

6.4.6. Section 2.9 relates to the protection of alignments for future national road projects. It states, inter alia, that:

"In line with international practice, the NRA adopts a 20 year design horizon as the basis for capacity design requirements in order to optimise the economic return on the investment, and take account of local authority supplied estimates regarding future population and development patterns, local trends and the aims of achieving compact sustainable urban development. In planning future new routes, the NRA will work with planning authorities in basing new design on robust and reasonable assumptions with regard to future development and the extent to which, if any, traffic generated by such development should appropriately be catered for on the national road network.

At the earliest stages of national road design, and especially in the case of new national roads in greenfield situations, planning authorities in consultation

with the NRA will also consider implications of the phased development in supporting local transportation infrastructure.

A development or local area plan should identify any land required for future national road projects including objectives that:

- retain required lands free from development; and
- ensure that measures are put in place so that any adjacent development of sensitive uses, such as housing, schools and nursing homes, are compatible with the construction and long-term operation of the road.

Development objectives, including the zoning of land, must not compromise the route selection process, particularly in circumstances where road scheme planning is underway and potential route corridors or upgrades have been identified and brought to the attention of the planning authority. Inappropriate zonings are contrary to the broader public interest concerning the achievement of value for money for the taxpayer and can significantly increase the cost of land to be acquired for national road schemes. Such zoning decisions could make the road project uneconomic, potentially leading to significant material alterations to the project or even the abandonment of the scheme as well as negating the planning work undertaken and the investment made in the proposed road scheme.”

6.4.7. Development Management Guidelines for Planning Authorities 2007

6.4.8. Section 7.16.1 relates to ‘premature development’. It states that:

“In general, prematurity arises where there are proposals to remedy the deficiency. If there are no such plans to remove the constraints within a reasonable period ...this form of wording should not be used as a reason for refusal...

Premature development in this context also includes development which would be premature pending the determination by the planning authority or the road authority of a road layout for the area.”

6.5. EIA Screening

- 6.5.1. Section 2 of the 'Planning Application Supplementary Documentation' report submitted with the application relates to EIA screening. It contends that solar PV development is not a form of development that requires EIA. Similarly, it contends that the 110kV substation and associated development does not come under Schedule 5 of the Regulations and does not require an EIA.
- 6.5.2. As noted by the applicant, the prescribed classes of development and thresholds that trigger a mandatory EIS are set out in Schedule 5 of the Regulations. The only classes that I consider to be of potential relevance to the proposed development are as follows:
- **Schedule 5, Part 1, Class 19:** Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.
 - **Schedule 5, Part 2, Class 3(b):** Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more.
- 6.5.3. I note that an electrical substation is not a class of development contained in Parts 1 or 2 of Schedule 5 of the Regulations, and I further note that the proposed development does not entail the construction of any overhead power lines/cables, regardless of voltage or length. The proposed connection to the existing overhead transmission line would be of way of underground 110kV cable, and therefore would not come within either of the classes listed above (the class being overhead powerlines, and the threshold being the voltage/length).
- 6.5.4. As no element of the proposed development falls into a class of development contained in Schedule 5, Parts 1 or 2, I am satisfied that the proposed development does not therefore constitute sub-threshold development and neither a mandatory EIA, nor screening for EIA, is required.

6.6. Local Authority

6.6.1. Meath County Council submitted a report from the Chief Executive and a minute of the Council meeting of 4th February 2019.

- **Chief Executive's Report:**

- Proposed development accords with Development Plan policies and objectives for energy and communications.
- There are existing 110kV electricity lines traversing the site and the principle of the additional energy infrastructure proposed is considered acceptable.
- A development of this nature is one that is not listed in Schedule 5. As such, a mandatory EIA is not required and in the absence of any threshold relating to solar energy, there is no possibility that a sub-threshold EIA could be required.
- The applicant has submitted details of the traffic movements associated with the wider solar farm proposal and has not submitted details of traffic movements associated specifically with the substation development. The Planning Authority is satisfied that the traffic impacts of the development as a whole on the surrounding area at operational stage are low.
- Transportation Section has no objection subject to compliance with the CTMP.
- Planning Authority is satisfied that the applicants have submitted a reasonable planning justification for the location chosen.
- Planning Authority is satisfied that the proposed substation will have a low impact in the long term on the ecological integrity and conservation status of the current SID application site.
- The Heritage Officer considers that, based on the scientific data provided, the design, construction methodology and the mitigation and control measures proposed, it can be concluded that there will be no significant effects on the qualifying interests of any Natura 2000 sites, either individually or in combination with other plans or projects.

- Planning Authority is satisfied that the proposed substation development will not have an adverse visual impact upon any protected views.
- Architectural Conservation Officer has no objection, subject to conditions.
- Due to the absence of archaeological features on site, the inclusion of an appropriate archaeological condition will ensure that the archaeological integrity of the area is respected.
- Due to the existence of mature landscaping and once the substation is built with insulated noise controlled panels, the Planning Authority is satisfied that noise levels will be in accordance with best practice standards.
- The Planning Authority is satisfied that the underlying geology of the area will not be unduly impacted upon by the proposed development.
- Water Services Section recommend that the proposal be updated to incorporate a drainage design fully compliant with the requirements of the Greater Dublin Strategic Drainage Study.
- Environment Section has no objection, subject to conditions.
- Planning Authority is satisfied that the implementation of the preventative measures outlined in the CEMP will minimise any potential adverse impacts.
- Environment (Flooding) Section has no objection. Application is in Flood Zone C.
- Meath County Council recommends that planning permission be granted.
- **View of Elected Members:**
 - Members supported the concept of solar farms as a way of providing renewable energy.
 - Impact of such applications on the local community.

6.7. Prescribed Bodies

6.7.1. Transport Infrastructure Ireland:

- The site accesses the non-national road network and there are no policy implications to address in relation to the existing national road network.
- TII has no record of consultation on the planning application or appeal relating to the solar farm (Reg. Ref. LB/160898).
- The subject site is situated within the line of the Leinster Orbital Route (LOR) between Drogheda and Navan, as identified in the Leinster Orbital Route Feasibility Study Final Report, 2009.
- The proposal to develop an Outer Orbital Route is included in the Meath County Development Plan and is a key objective of the current Regional Planning Guidelines for the Greater Dublin Area, the Draft Regional, Spatial and Economic Strategy for the Eastern and Midland Region and NTA's Transport Strategy for the Greater Dublin Area 2016-2035.
- The relationship of the subject site to the LOR does not appear to have been assessed in the documentation submitted in support of the subject application.
- There is no reference to the LOR in the site selection criteria and it is unclear if this issue was assessed by the applicant in the initial planning application (Reg. Ref. LB/160898) or by the Council.
- Objective TRAN OBJ 21 of the Development Plan is noted.
- This matter should be addressed by the applicant in consultation with Meath County Council in the interests of demonstrating to the Board that the subject application is compatible with the LOR scheme and that it will not undermine the long-term delivery of the LOR.
- TII refer to Section 2.9 of the DECLG Spatial Planning and National Roads Guidelines in that regard and the policy outlined relating to the protection of alignments for future national road projects.

6.8. Observers

6.8.1. None.

6.9. Applicant's Response

6.9.1. The applicant's response to the observations/submissions can be summarised as follows:

- Applicant notes the comprehensive range of headings within the Planning Authority's report and its conclusion and recommendation.
- EirGrid has confirmed that there is capacity available at this location, with a connection to be offered to the applicant by Q2 2020. (The applicant enclosed a letter from EirGrid to this effect).
- With respect to the solar farm application, the applicant followed the provisions of the Planning and Development Act and Regulations and complied with all statutory requirements and obligations.
- The solar farm application was referred to the Transportation (Roads) Department for comment. It did not meet the relevant criteria of article 28 to be referred to TII.
- The proposed grid connection infrastructure is not within or immediately adjacent to the identified 'Junction Protection Zones and Indicative Route Corridors' set out in the Leinster Orbital Route Corridor Protection Study 2009. The recommendations set out in Section 2.0 of the Study do not therefore apply. From a review of permissions in Counties Meath and Kildare, this would appear to be consistent with the approach taken in these jurisdictions.
- No further protection studies etc. appear to have been published for the Leinster Orbital Route.
- The applicant requested Meath County Council to comment on the Corridor Protection Study. No comment was made other than referring to the support for the proposed grid connection infrastructure as included in their submission to the Board.
- The proposed grid connection infrastructure is c. 4km west of the mapped protected zones in the Corridor Protection Study, 2009. Since then planning permission has been granted for a significant number of developments within

the mapped zones. It is possible to grant consent for development in these areas while acting in line with Objective TRANS OBJ 21.

- The current status of the proposed route for the Orbital Route is unclear. The Study states that no comprehensive constraints study, route selection study, junction strategy, preliminary design or EIA have been undertaken.
- The Study also states that no direction has been received from Government to proceed with the next stages of the scheme and that the route corridors and junction zones are indicative and subject to possible change.
- Project Ireland 2040 includes specific several orbital routes for prioritisation but does not make any commitment to the Leinster Orbital Route. The delivery period for funding or further design work is unclear.
- The Transport Strategy for the GDA 2016-2035 states that the Leinster Orbital Route is not planned for implementation during the period of the Strategy, but that the finalisation of the route corridor and its protection from development intrusion is recommended.
- The route corridor has not been finalised for protection in published material, other than the specific areas mapped in the Corridor Protection Strategy 2009. The proposed grid connection infrastructure is not within these areas.
- The 2009 Study has mapped protection zones and indicative route corridors that are outside the corridor initially identified in the 2007 Feasibility Study. An overlay drawing produced by the applicant would appear to point to a more feasible route to the south of Duleek, outside of the indicative corridor identified in the Feasibility Study.
- The weight of current policy support for the facilitation of renewable electricity generation and climate change action should be considered.
- The proposed development has a limited footprint, with the dimensions of the fenced area being 81m x 50m, compared with the 1.6 – 2km width of the feasibility route corridor.
- The final route can readily avoid limited footprints such as the proposed grid connection infrastructure.

- The proposed development is intended to serve the permitted Garballagh Lower solar farm which has an operational period of 25 years. The construction methodology for the solar farm development is inherently reversible.
- There are numerous additional constraints to the north of Duleek that were not considered in the 2007 feasibility study. These reduce the likelihood of an economic route north of Duleek being available.
- Given the indicated approach angle of the proposed Leinster Orbital Route from the west, and the proposed development's location in relation to Thomastown Bog pNHA, any interaction with a practical economic route alignment would appear to be unlikely.
- The proposed grid connection infrastructure will not undermine the long term delivery of the Leinster Orbital Route and is compatible with Objective TRAN OBJ 21.

6.10. Other Responses

6.10.1. Planning Authority's Response to TII Submission

- 6.10.2. The Planning Authority was invited to provide a response to the TII submission. No response was received.

7.0 Oral Hearing

- 7.1. The Board directed on the 15th April 2019 that an Oral Hearing in respect of the application should not be held.

8.0 Planning Assessment

8.1. Introduction

- 8.1.1. As noted in Section 1.0, the purpose of the proposed substation and associated development is to connect a permitted solar farm (Ref. PL17.248146) in the townlands of Garballagh, Thomastown and Gillinstown, Co. Meath, to an existing

adjacent 110kV overhead power line, thus facilitating the export of electricity from the solar farm, when constructed, to the National Grid.

8.1.2. For clarity, the proposed 110kV substation and associated infrastructure that is the subject of this s182A SID application will hereafter be referred to as the “SID development”, the wider permitted solar PV generation development will hereafter be referred to as the “solar farm development” and the entire development in combination (i.e. the SID development and the solar farm) will hereafter be referred to as the “overall development”.

8.1.3. I note that much of the information and documentation submitted with the application relates to the overall development, rather than solely to the SID development, and that much of it was previously submitted in connection with the planning application/appeal for the solar farm development.

8.1.4. I consider that the main issues in respect of the planning assessment are as follows:

- Principle and planning policy.
- Potential impact on Leinster Orbital Route.
- Landscape and visual impact.
- Flood risk and surface water management.
- Residential amenity.
- Noise.
- Other issues.

8.2. Principle and Planning Policy

8.2.1. As set out above, the proposed development comprises a 110kV substation and associated electrical and other infrastructure, which is required to connect a permitted solar farm to the national grid. Renewable energy projects are supported ‘in principle’ at national, regional and local policy levels, with the imperative at all policy levels being the need to reduce greenhouse gas emissions, reduce reliance on fossil fuels and combat climate change.

8.2.2. 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. The more ambitious national objective, as expressed in the NREAP, is for 40% of electricity consumption to be from renewable sources by 2020. The White Paper entitled 'Ireland's Transition to a low carbon Energy Future 2015-2030' sets out a vision to reduce greenhouse gas emissions by between 80% and 95% compared to 1990 levels by 2050, and notes that solar photovoltaic 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.

- 8.2.3. At a local level, the Meath County Development Plan 2013-2019 contains a number of Policies to support reductions in greenhouse gas emissions and to facilitate and encourage renewable energy projects, subject to normal planning criteria. Policies EC POL 1 – EC POL 4 are of particular relevance in this regard. More specifically, the development of improved electricity supplies and power capacity is supported by policies EC POL 11 and EC POL 12, while policy EC POL 13 seeks to ensure that energy transmission infrastructure follows best practice with regard to siting and design.
- 8.2.4. The application site is located within a large agricultural landholding, upon which permission has been granted for a large solar farm. The proposed development would have significant separation distances from the nearest public roads and residential dwellings (in excess of 400m), and would be surrounded on all sides by infrastructure associated with the permitted solar farm (i.e. photovoltaic panels and inverter/transformer stations). The site is adjacent to an existing 110kV overhead power line and it is not subject to any particular constraints in terms of archaeological, cultural and architectural heritage, landscape designation or land use zoning objectives.
- 8.2.5. It is clear from the above that there is substantial policy support at national, regional and local level for the development of the electricity network and for renewable energy projects, such as that which would be facilitated by the proposed development. I therefore consider the proposed development to be acceptable in principle, subject to consideration of the key planning issues outlined in Section 9.1 above.

8.3. Potential Impact on Leinster Orbital Route

- 8.3.1. The submission received from the TII states that the application site and the permitted solar farm site are within the route corridor of the Leinster Orbital Route ('LOR'). The LOR is a proposed new road link connecting the towns of Navan, Drogheda and Naas/Newbridge/Kilcullen, whilst serving Navan/Kells/Trim and Kilcock/Maynooth/Leixlip/Celbridge.
- 8.3.2. While the LOR does not appear to be explicitly referenced in Project Ireland 2040: National Planning Framework, or the associated National Development Plan 2018-2027, it is referenced in Regional and local level planning and transport policy. Section 5.8.1 of the Transport Strategy for the Greater Dublin Area 2016 – 2035 states that while the LOR is “not planned for implementation during the period of the Strategy, the finalisation of the route corridor and its protection from development intrusion is recommended”. Similarly, Objective TRAN OBJ 21 of the County Development Plan is to “co-operate with the NRA, NTA and other Local Authorities in clarifying and finalising the route of the Leinster Outer Orbital Route”. The Objective also states that “this is particularly important in the vicinity of proposed major junctions along the route in order to protect the identified corridor from development intrusion”.
- 8.3.3. TII refers to Section 2.9 of the Spatial Planning and National Roads Guidelines for Planning Authorities, which relates to the protection of alignments for future national road projects, and they request that the matter be addressed by the applicant in order to demonstrate to the Board that the application will not undermine the long-term delivery of the LOR. The applicant provided a response to the TII submission, which is summarised in Section 7.4 above.
- 8.3.4. I note that the TII submission refers to the ‘Leinster Orbital Route Feasibility Study Final Report, 2009’, stated as being available on their website (<https://www.tii.ie/tii-library/strategic-planning>). However, the only relevant documents on the TII website are the ‘Leinster Orbital Route Feasibility Study Final Report, 2007’ and the ‘Leinster Orbital Route Corridor Protection Study 2009’ [emphasis added].
- 8.3.5. The more recent of the two Studies, the LOR Corridor Protection Study 2009, does not identify a full route corridor for the LOR. It does, however, identify junction zones and likely approach corridors, and it recommends that policies be inserted into all

relevant Development Plans and LAPs to safeguard and preserve free from development all lands within these areas. I note that the application site is not located within any of the identified junction zones and likely approach corridors set out in the maps contained within Appendix A of the Study. The closest such 'likely approach corridor' is located in the vicinity of Platin, c. 4.5km to the east of the application site, connecting to an identified junction zone with the M1 Motorway, c. 6.7km north east of the application site. I also note that, as highlighted by the applicant, the 2009 Study appears to consider route options outside of the Feasibility Corridor set out in the earlier Feasibility Study Final Report 2007.

8.3.6. I also note Section 1.3 of the 2009 Study, entitled 'Limitations of Study', which states that "it needs to be borne in mind that this Corridor Protection Study is based only on the outline work done for the Feasibility Report for the Leinster Orbital Route and, for the avoidance of doubt, no comprehensive Constraints Study or Route Selection Study or Junction Strategy or Preliminary Design or Environmental Impact Assessment have been undertaken at this stage".

8.3.7. With regard to the earlier 2007 Report, and the Feasibility Corridor identified therein, I note that the application site is located within the c. 1.6km wide route corridor, as is the permitted solar farm development on the lands surrounding the proposed substation development. However, the development that is proposed in this application is not particularly physically extensive, with an area of c. 1.45 ha, and the majority of the proposed electricity infrastructure development being located within a fenced compound with dimensions of c. 50m x 80m. The Board should also note that the solar farm to be served by the proposed development has a time-limited operational life, with Condition 4(a) of PL17.248146 requiring the solar farm development to be removed and the lands reinstated not later than 25 years from the date of commissioning, unless a further grant of permission is made.

8.3.8. I consider that Section 7.16.1 of the Development Management Guidelines for Planning Authorities 2007 is relevant in this instance. It states that premature development includes development which would be premature pending the determination by the planning authority/road authority of a road layout for the area, but that "if there are no...plans to remove the constraints within a reasonable period...this form of wording should not be used as a reason for refusal". Given the current significant uncertainties with regard to the final route, alignment and

timeframe for delivery of the Leinster Orbital Route, and noting the limited physical scale of the development proposed in this application, I do not consider that it would be reasonable to refuse permission on the grounds of prematurity.

- 8.3.9. The 2009 Corridor Protection Study prioritises the protection of potential major junction locations and the approaches thereto, and I consider that this approach is consistent with Objective TRAN OBJ 21 of the Development Plan. While the application site is contained within the Feasibility Corridor set out in the 2007 Report, it is not located within or in the immediate vicinity of any of the junction zones and likely approach corridors identified in the subsequent 2009 Study, and therefore is not within an area that it is recommended be preserved free from development. On this basis, I do not consider that the proposed development would materially contravene Objective TRAN OBJ 21 or that it would prejudice the future delivery of the LOR and I do not recommend that permission be refused on this basis.

8.4. Landscape and Visual Impact

- 8.4.1. The application site is located within Landscape Character Area 6, 'Central Lowlands', in the Meath County Development Plan. This LCA is described as having a high landscape value and moderate landscape sensitivity and it is described as follows:

"A large lowland area, across a rolling drumlin landscape with large estates and associated parkland. Thick wooded hedgerows separate medium to large fields. Views are generally limited by the complex topography and mature vegetation except at the tops of drumlins where panoramic views are available particularly of the Hill of Tara uplands and Skryne Church."

- 8.4.2. The Landscape Character Assessment notes that this LCA has medium potential capacity to accommodate overhead cables, substations and communication masts "due to the complexity of the area, which has a variety of land uses and a robust landscape structure".
- 8.4.3. Having inspected the application site and surrounding area, I consider its character to be generally typical of the Central Lowlands as defined above. The site sits within a gently undulating landscape, and the surrounding lands, upon which the permitted solar farm would be developed, is comprised of a series of medium to large size

fields defined by boundaries of dense hedgerows and trees. Views to and from the application site are generally limited as a result of this topography, vegetation and the site's separation distances from the nearest public roads and residential dwellings.

- 8.4.4. The applicant submitted a Landscape and Visual Impact Assessment (LVIA) with the application, and the issue is also addressed in Section 6 of the Planning Application Supplementary Documentation Report. I note that the same LVIA was previously submitted in connection with the application for the related solar farm, and that it relates to the overall development. The photomontages submitted include those revised and additional photomontages submitted to the Board in respect of the solar farm appeal, on foot of a section 132 notice.
- 8.4.5. With regard to landscape impacts, I note that while the permitted solar farm development on the surrounding lands is extensive in scale, the proposed substation development has a site area of 1.45 ha. Having regard to the relatively robust character of the application site and surrounding lands, upon which the LCA considers there is 'medium' capacity to accommodate substations and overhead cables, the high degree of enclosure provided by the established hedgerows, and the significant separation distances from public roads and residential dwellings, I do not consider that the proposed development will have a significant adverse effect on landscape or rural character.
- 8.4.6. With regard to visual impacts, the LVIA assesses the impact of the overall development on 17 viewpoints, which I consider to be relatively representative of the various receptor types within the study area. Photomontages have been provided from 9 No. of these viewpoints, with photographs provided for the remaining 8 No. viewpoints, where the applicant contends that it would not be possible to see the overall development.
- 8.4.7. As set out in Section 4.0 above, the proposed development consists of the development of a GIS building with dimensions of c. 20m x 27m and maximum height of c. 8.2m, an external banded transformer and associated electrical development within a c. 2.4m high fenced compound with dimensions of c. 51m x 81m. Both the proposed GIS building and fencing would be green in colour. Connection to the existing overhead 110 kV line adjacent to the site will involve the

replacement of 1 No. existing wooden pole-set with 1 No. new steel lattice support tower and the replacement of a section of overhead line with underground cables, while ancillary elements of the proposed development include 17.6m high lightning protection masts and 5m high CCTV cameras.

- 8.4.8. Having inspected the application site and surrounding area and having reviewed the viewpoint photographs and photomontages, I consider that the potential for the proposed development to result in any adverse visual impact on sensitive receptors or at protected viewpoints is extremely limited, due to the relatively limited physical scale of the proposed development, the site topography, the extensive network of hedgerows and tree planting and the significant separation distances between the proposed development and the closest public roads and residential dwellings. I am satisfied that the proposed development will not be visible from the majority of viewpoints, and that where elements of the development will be visible, they will be at a very significant distance with several layers of hedgerows between the receptor and the application site, serving to lessen the visibility of the proposed development and absorb it without significantly impacting on visual amenities.
- 8.4.9. Finally, with regard to protected views from the Brú na Bóinne World Heritage Site, I am satisfied that the heavily vegetated Drogheda to Navan railway embankment, which runs from east to west to the north of the application site, will serve to fully screen the proposed development from the WHS.
- 8.4.10. In conclusion, I do not consider that the proposed development would result in any significant adverse impact on the landscape or visual amenities of the area.

8.5. Flood Risk and Surface Water Management

- 8.5.1. The applicant has submitted a Flood Risk Assessment (FRA) with the application. The FRA relates to the overall solar farm development and was previously submitted in connection with the solar farm planning application. While portions of the overall solar farm development site in the vicinity of the stream which traverses the site from west to east are identified as being subject to fluvial flooding in the 1 in 100 year event or 1% AEP, the application site is not identified as being subject to flood risk. The Planning Authority concurred with this position, stating in their report that the

application site is in Flood Zone C and that the Environment (Flooding) Section has no objection to the proposed development.

- 8.5.2. Having regard to the location of the proposed substation development outside of any area identified as being subject to flood risk, I do not consider that the proposed development would be subject to a significant flood risk.
- 8.5.3. With regard to surface water management, I note that section 4.3.11 of the Planning Application Supplementary Documentation report states that a network of swales and roadside ditches are to be installed with permanent stilling ponds surrounding the substation compound.
- 8.5.4. No drainage drawing was submitted with the application, however the Flood Risk Assessment includes details of swales and surface water management, and the solar farm development, as permitted, includes a swale immediately to the south (down gradient) of the proposed substation development (Figure 2 of FRA).
- 8.5.5. I note that the Water Services Section of the Planning Authority recommended that the drainage proposal be updated to incorporate a drainage design fully compliant with the requirements of the Greater Dublin Strategic Drainage Study. The Water Services Section has not identified any particular issues with the drainage design, however I note that the drainage measures for the overall development were permitted under PL17.248146. Condition 11 of that permission requires that water supply and drainage arrangements including the attenuation and disposal of surface water comply with the requirements of the planning authority for such works and services. Given the relatively limited impermeable area arising from the proposed development and the resultant volume of surface water that will require disposal, and noting that the site is within a large agricultural landholding, that it is not subject to significant flood risk and that the proposed transformer will be contained within an impervious bund, I consider that the attenuation and disposal of surface water associated with the proposed development is generally acceptable, but that any residual concerns of the Water Services Section of the Planning Authority can be addressed by way of a condition similar to Condition 11 attached to the solar farm permission.

8.6. Residential Amenity

- 8.6.1. The application site is located within a large agricultural landholding, and the proposed substation development would have separation distances in excess of c. 400m to both the nearest public road and the nearest residential dwellings that are not within the landholding. I note that, unlike the earlier application for the associated solar farm development, no third party observations were made in respect of this application.
- 8.6.2. With regard to potential construction phase impacts on residential amenity, particularly as a result of noise, dust or construction traffic, I note that the applicant has submitted both a Construction Environmental Management Plan and a Construction Traffic Management Plan (both of which relate to the overall development) and has stated that construction of the 110kV infrastructure is expected to take c. 6 months of the overall 11 month construction programme. Construction traffic access for the proposed development will be via an existing entrance off the R150, to the south of the application site, which provides good access to/from the N2 National Road to the west, without passing through Duleek village. I also note that the proposed construction compound is immediately adjacent the proposed substation site, with similar separation distances from residential dwellings.
- 8.6.3. I have addressed the issue of noise separately below, however having regard to the substantial separation distances and the limited duration of the construction period, I do not consider that any significant impacts on residential amenity are likely to occur during the construction phase. Notwithstanding this, given the inter-relationship between the proposed development and the permitted solar farm, I recommend, should the Board be minded to grant permission, that a condition be attached requiring the submission of a Construction Management Plan for the agreement of the Planning Authority. Such a condition would be consistent with Condition 10 attached to the Board's decision in case PL17.248146.
- 8.6.4. Similarly, with regard to the operational phase, noting the separation distances involved, the nature and limited scale of the proposed substation development and its lack of visibility in the wider area (see Section 9.4 above), I do not consider that

the proposed development is likely to result in any significant adverse impacts on residential amenity during its operational phase.

8.7. Noise

- 8.7.1. With regard to construction stage noise, I consider that there is the potential for temporary nuisance to the local population, however given the low density of residential dwellings in the area, the limited duration of works and the significant separation distances involved, I am satisfied that the matters can be dealt with by way of condition requiring a construction management plan to be submitted for the agreement of the Planning Authority.
- 8.7.2. With regard to operational noise, I consider that the main source of noise arising from the proposed development is likely to be from the external transformer within the substation compound. The surrounding permitted solar farm is not likely to a significant noise source, since no noise will be emitted from the panels themselves and the small inverter/transformer stations will be enclosed in housing.
- 8.7.3. The applicant states that the specification sheet for a typical transformer of the type proposed indicates noise levels of 80 – 93 dB(A) at a distance of 2m, with a level of 65 dB(A) achievable by increasing the steel thickness used in the manufacturing process. The applicant states that calculations based on these typical noise levels show that expected noise levels at the nearest residential receptors will be c. 32 dB(A).
- 8.7.4. The applicant has not submitted the calculations referred to, however noting the very considerable separation distances involved and the inverse square law that governs noise attenuation with distance, I do not consider that operational noise arising from the proposed development is likely to be significant. I do, however, recommend that a condition limiting operational noise be included, should the Board be minded to grant permission.

8.8. Other Issues

8.8.1. Archaeology

- 8.8.2. Appendix 4 of the Planning Application Supplementary Documentation report includes an ‘archaeology, architectural heritage and cultural heritage assessment’, which relates to the overall solar farm development, and which was included in the environmental report submitted with that planning application. Further information regarding archaeology, which was submitted to the Planning Authority in respect of the solar farm application, is also included in Appendix 4.
- 8.8.3. There are no recorded archaeological, architectural or cultural heritage features within the application site, or the wider solar farm site. There are, however, eight National Monuments in State Care (NMSCs) and eight Historic Gardens and Designed Landscapes (HGDLs) within 5km and 48 sites within the Record of Monuments and Places (RMPs) and 18 protected structures within 2km. Of particular note is the Brú na Bóinne World Heritage Site, which is located c. 3.2km to the north.
- 8.8.4. The NMSCs and HGDLs are all greater than 1km distant from the application site, and are substantially screened by mature vegetation and buildings, which will serve to reduce or eliminate views and intervisibility with the proposed development. Similarly, with regard to the Brú na Bóinne World Heritage Site, the proposed development, will not be visible due to the intervening vegetation and topography, as well as the presence of the railway line and its dense planting, a short distance to the north of the application site.
- 8.8.5. The closest recorded archaeological site to the overall solar farm development site is a habitation site (ME027-057), located c. 300m to the north, within an area of quarrying. It appears that the remains have been entirely removed by quarrying. Other sites within 1km include a number of enclosures and mounds. Having regard to the nature of the proposed development, the extensive screening provided by hedgerows and trees, the presence of existing 110kV overhead power lines and angle towers in the vicinity of the application site, and the presence of numerous quarries, a cement plant and an incinerator in the wider area, I do not consider that the proposed development will have a significant impact on the integrity, setting or character of these sites. I consider that the principle source of potential impacts on archaeological remains will be during the construction phase, should unknown features be present on the application site.

8.8.6. Condition 9 of the Board's grant of permission for the solar farm (Ref. PL17.248146) requires notification prior to commencement of any site operation and archaeological monitoring during site investigation and excavation works. Given the limited extent of the proposed development and the lack of evidence of any archaeological remains on or in the vicinity of the application site, I consider that it would be appropriate to attach a similar condition in this instance, should the Board be minded to grant permission.

8.8.7. Duration of Permission and Decommissioning

8.8.8. I note that the applicant is seeking a 10-year permission. This duration would be consistent with the duration of the permission recently granted for the solar farm, and I consider it to be appropriate in the circumstances, should the Board be minded to grant permission.

8.8.9. With regard to the lifespan of the proposed development, I note that the permitted solar farm has a permitted operational lifetime of 25 years, after which the site is to be reinstated, unless planning permission has been granted for a further period. The developer is also required to lodge a deposit/bond with the Planning Authority to ensure the satisfactory reinstatement of the site (Conditions 4 and 13 of PL17.248146 refer).

8.8.10. While the proposed SID development is intended to serve this solar farm, it will comprise a transmission asset and will form a node on the transmission network, with a section of the existing 110kV overhead line decommissioned and a loop in/loop out connection through the substation. The asset will also be in the ownership of EirGrid, rather than the solar farm owner/operator. For these reasons, I do not consider it necessary to limit the lifetime of the proposed substation development to the lifetime of the solar farm development and consequently I do not consider it necessary to attach a decommissioning and reinstatement condition to any grant of permission.

8.8.11. CCTV Cameras

8.8.12. The proposed development includes the provision of pole-mounted CCTV cameras with a stated maximum height of 5m. While a drawing has been submitted of a typical CCTV camera and pole, the number and locations of these cameras is not indicated on the drawings submitted. Therefore, notwithstanding the significant

separation distances from the nearest roads and residential properties, I recommend that a condition be attached, should the Board be minded to grant permission, requiring that camera locations within the application site be agreed with the Planning Authority and that the cameras be fixed and angled to face into the site.

8.8.13. Development Contribution

8.8.14. Section 7.1.3 of the Meath County Council Development Contribution Scheme 2016-2021 sets out exemptions and reductions for certain types of development. I do not consider that the proposed development would fall under any of the exemptions listed. Accordingly, I recommend that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Acts.

9.0 **Appropriate Assessment**

9.1. **Introduction**

9.1.1. An Ecology Report, Appropriate Assessment Screening Report (dated July 2016) and Natura Impact Statement (dated December 2018), all prepared by Neo Environmental, were included in Appendix 3 of the Planning Application Supplementary Documentation report. The Board should note that the submitted documents all relate to the overall development (i.e. the permitted solar farm development and the proposed substation development).

9.1.2. I note that the Ecology Report and AA Screening Report would appear to be the same Reports previously submitted in connection with the associated solar farm development. The NIS was not submitted in connection with the solar farm application/appeal, and the Board, in granting permission for the portion of the solar farm on the Garballagh site, did not consider that a Stage 2 Appropriate Assessment or NIS was required.

9.1.3. While the applicant's AA Screening Report concludes that the overall development, either individually or in combination with other plans or projects, is not likely to have a significant effect upon any Natura 2000 sites and that a Stage 2 AA and NIS is not required, Section 5.0 of the Planning Application Supplementary Documentation report and Section 2 of the NIS state that in light of recent CJEU case law (People

Over *Wind & Sweetman v Coillte (C-323/17)*), an extremely precautionary approach has been adopted in consideration of the hydrological link to the River Nanny Estuary and Shore SPA, and that a Stage 2 NIS has consequently been prepared.

9.2. AA Screening

9.2.1. The application site is not located within or immediately adjacent to any designated Natura 2000 sites. There are 5 No. Natura 2000 sites within 15km of the appeal site. These sites, their distance from the application site and their qualifying interests are set out in the table below:

Natura 2000 Site	Distance from Site	Qualifying Interests
River Boyne and River Blackwater SPA (004232)	c. 3km to north	<ul style="list-style-type: none"> Kingfisher (<i>Alcedo atthis</i>)
River Boyne and River Blackwater SAC (002299)	c. 3km to north	<ul style="list-style-type: none"> River lamprey (<i>Lampetra fluviatilis</i>) Atlantic salmon (<i>Salmo salar</i>) Otter (<i>Lutra lutra</i>) Alkaline fens Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i>.
Boyne Estuary SPA (004080)	c. 9.5km to north east	<ul style="list-style-type: none"> Shelduck (<i>Tadorna tadorna</i>) Oystercatcher (<i>Haematopus ostralegus</i>) Golden Plover (<i>Pluvialis apricaria</i>) Grey Plover (<i>Pluvialis squatarola</i>) Lapwing (<i>Vanellus vanellus</i>) Knot (<i>Calidris canutus</i>) Sanderling (<i>Calidris alba</i>) Black-tailed Godwit (<i>Limosa limosa</i>) Redshank (<i>Tringa totanus</i>)

		<ul style="list-style-type: none"> • Turnstone (<i>Arenaria interpres</i>) • Little Tern (<i>Sterna albifrons</i>) • Wetland and Waterbirds
Boyne Coast and Estuary SAC (001957)	c. 10.7km to north east	<ul style="list-style-type: none"> • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Annual vegetation of drift lines • Salicornia and other annuals colonising mud and sand • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) • Embryonic shifting dunes • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) • Fixed coastal dunes with herbaceous vegetation (grey dunes)
River Nanny Estuary and Shore SPA (004158)	c. 11.3km to east	<ul style="list-style-type: none"> • Oystercatcher (<i>Haematopus ostralegus</i>) • Ringed Plover (<i>Charadrius hiaticula</i>) • Golden Plover (<i>Pluvialis apricaria</i>) • Knot (<i>Calidris canutus</i>) • Sanderling (<i>Calidris alba</i>) • Herring Gull (<i>Larus argentatus</i>) • Wetlands

9.2.2. The conservation objectives for the SAC and SPAs listed above are to maintain or restore the favourable conservation condition of the relevant habitats / species. as appropriate.

9.2.3. Having regard to the nature of the proposed development and the source-pathway-receptor model, I consider that there is no connective aquatic pathway linking the

application site to the River Boyne and River Blackwater SPA and SAC (and thence to the Boyne Estuary SPA and Boyne Coast and Estuary SAC). I therefore concur with the applicant's ecologist that there is not likely to be any significant impact on the Kingfisher population of the SPA or on lamprey, salmon or alkaline fens and forests within the SAC. With regard to otters, while the applicant's ecologist notes that they can travel significant distances when foraging, no evidence of otters was found during the baseline survey. Having regard to the limited nature and scale of the proposed development, I do not consider that the proposed development is likely to result in a significant impact to the otter population of the SAC.

- 9.2.4. With regard to the River Nanny Estuary and Shore SPA, I note that the site and surrounding lands fall towards a small stream located c. 115m to the south of the site. This stream is a tributary of the River Nanny, with the SPA boundary located c. 11.3km downstream of the site. Notwithstanding this distance, I consider that there is a potential connective pathway linking the proposed development and the SPA.
- 9.2.5. The stream to the south of the application site is narrow, shallow and slow-moving and is bounded on both sides by agricultural lands that are generally in tillage use, with drainage ditches along field boundaries appearing to drain to the stream.
- 9.2.6. The AA Screening Report considers that, given the separation distance between the overall development site and the SPA is greater than the core foraging areas of the qualifying bird species associated with the SPA, that potential ornithological impact pathways are unlikely. With regard to potential contamination of aquatic systems, the report considers that the habitats of the SPA do not occur within the Zone of Influence of the site, due to their distance downstream and will not be influenced by lotic processes.
- 9.2.7. As noted above, while the applicant's AA Screening Report concludes that the overall development either individually or in combination with other plans or projects is not likely to have a significant effect upon any Natura 2000 sites, the applicant has also submitted an NIS. They state that the NIS was prepared on the basis of an extremely precautionary approach in light of the CJEU judgment in Case C323/17. The NIS, as with the AA Screening Report, relates to the overall development, including the permitted solar farm which the Board, in granting permission, did not consider necessitated an Appropriate Assessment.

- 9.2.8. With regard to the judgment in case CJEU Case C323/17, I note that it related to the risk of sedimentation to freshwater pearl mussel populations in an SAC, which were noted by the CJEU as being threatened with extinction and being particularly vulnerable to sedimentation. The 'protective measures' proposed in that instance were therefore clearly intended to avoid or reduce the harmful effects of the project on the designated site in light of its conservation objectives. In this instance, I consider that the pollution prevention and waste management measures that are set out in the NIS and the accompanying Construction Environmental Management Plan, and which principally relate to the permitted solar farm development, are relatively standard construction methods/measures for works in the vicinity of watercourses, similar to those set out, for example, in the IFI 'Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters, 2016' and the NRA 'Guidelines for the Crossing of Watercourses During the Construction of National Road Schemes'. Such measures should therefore be utilised as a matter of good practice, given the presence of a nearby watercourse, regardless of the presence of a designated site downstream.
- 9.2.9. The proposed development that is before the Board (i.e. the 110kV substation and associated development) is limited in nature and scale, and will likely require a relatively limited extent of excavations. The application site is located 115m from the stream and said stream is shallow, slow-moving and thus would appear to have limited carrying capacity for suspended solids. It is also a distance of c. 11.3km downstream to the SPA boundary, which would be likely to result in a significant dilution effect and opportunity for materials to drop out of suspension. Having regard to these considerations, and noting the nature of the qualifying interests (certain waterbirds with a limited foraging range and wetlands) and associated conservation objectives, I do not consider it likely that any suspended solids or pollutants that enter the watercourse in the vicinity of the application site as a result of the proposed development are likely to reach the SPA in sufficient quantity or concentration so as to be likely to result in a significant effect on the SPA in light of its Conservation Objectives.
- 9.2.10. With regard to potential in combination effects, I note that the substantive development (i.e. the large-scale solar farm) that would be served by the proposed development has already been the subject of AA Screening, and that the Board, in

granting permission, did not consider that an Appropriate Assessment was required. Having regard to the limited scale and extent of the proposed development, I do not consider that any additional likely significant in combination effects arise.

9.3. AA Screening Conclusion

- 9.3.1. In 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 the River Boyne and River Blackwater SPA (Site Code 004232) and SAC (Site Code 002299), the River Nanny Estuary and Shore SPA (Site Code 004158), or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

10.0 Recommendation

- 10.1. I recommend that permission be granted, subject to conditions, for the reasons and considerations set out below.

11.0 Reasons and Considerations

- 11.1. In coming to its decision, the Board had regard to a range of matters including the following:

- EU legislation including in particular:
 - the provisions of Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which sets out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union,
 - EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy,
- National level policy, including the:
 - National Planning Framework,

- Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012,
- Regional and local level policy, including the:
 - Regional Planning Guidelines for the Greater Dublin Area 2010-2022,
 - Meath County Development Plan 2013-2019,
 - Transport Strategy for the Greater Dublin Area 2016-2035,
- other relevant guidance documents,
- the nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity, including the permitted solar farm,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the submissions made to An Bord Pleanála in connection with the planning application, and
- the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

11.2. Proper Planning and Sustainable Development

- 11.2.1. It is considered that the proposed development would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

11.3. Appropriate Assessment Screening

- 11.3.1. The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or

necessary to the management of a European Site. The Board considered the nature, scale and location of the proposed development, the submitted appropriate assessment screening report that relates to both the substation development and the permitted solar farm development, the submissions on file and the report of the Inspector. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on European Sites, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

12.0 Conditions

1. The proposed 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 proposed development shall be carried out 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 ten years from the date of this Order.

Reason: In the interest of clarity.

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

Reason: To protect the environment.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.

Reason: In the interest of environmental protection and public health.

5. (a) No additional 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 adjacent residential properties or public roads. The location of CCTV cameras within the compound shall be agreed with the Planning Authority prior to commencement of work on site.
 - (c) Cables within the site shall be located underground.
 - (d) The substation structures and all related ancillary elements of the proposed development shall be dark green in colour.

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

6. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, surface water management proposals, the management of construction traffic and off-site disposal of construction waste.

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

7. 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) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

9. Noise levels from the substation shall not exceed 55 dB(A) rated sound level (corrected sound level for any tonal or impulsive component) at dwellings between 0800 hours and 2200 hours on any day and shall not exceed 45dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to and agreed with the planning authority prior to commencement of development.

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

10. 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 planning 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.

Niall Haverty
Senior Planning Inspector

27th June 2019