



An
Bord
Pleanála

Inspector's Report

ABP-303878-19

Development	110kV substation and associated infrastructure to connect permitted solar farm (RA/170873) to existing 100kV Corduff to Mullingar overhead line.
Location	Harlockstown, Polleban and Vesingstown, Dunboyne, Co. Meath.
Planning Authority	Meath County Council
Applicant(s)	Lightsource Renewable Energy Ltd.
Type of Application	Strategic Infrastructure Development (Electricity).
Observer(s)	None.

Date of Site Inspection 1st July 2019

Inspector Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The 15.6ha application site is situated c.4km to the north west of Dunboyne, County Meath in the townlands of Harlockstown, Polleban and Vesingstown. The site comprises a mix of agricultural land and existing farm tracks and forms an approximate right angle between the R156 and a minor county road (L6222) which lies to the east of the site. The L6222 joins the R154 to the north of the site.
- 1.2. The topography of the site is generally flat, with a slight rise from south east to north west and the large agricultural fields, through which the development is routed, are separated by established hedgerows. From the L6222, access to the site is via an existing access track which serves a series of agricultural fields and a farm complex immediately north of the appeal site. The existing 110kV Corduff-Mullingar overhead line traverses the site just north of the R154. This overhead line is suspended on double wooden poles and, in the vicinity of the site, travels parallel to the R154, to the rear of residential properties and other development facing the regional road. A 220kV overhead line also traverses the northern part of the appeal site, running in a north-north west to south-south east direction. Dunboyne stream runs in a west-east direction just north of the mid-point of the site.
- 1.3. Along the regional and local road network are principally residential properties and farm holdings. The nearest residential property lies c.350m to the south east of the sub-station site. To the east of the site, just north of the proposed site entrance, is a boarding kennels.

2.0 Proposed Development

- 2.1. The proposed development comprises a 10-year permission for a 110kV electrical substation and associated 110kV infrastructure, comprising fencing, underground cabling, access track and two no. cable end masts, to connect a permitted solar farm, PA ref. RA/170873, to the existing Mullingar to Corduff 110kV overhead line.
- 2.2. The c.8,400sqm substation compound is located on the northern part of the application site. It is divided into two areas, a larger EirGrid compound and a smaller IPP (independent power producer) compound, with associated lighting protection masts, perimeter security fencing, securing lighting, drainage infrastructure and associated works.

- 2.3. The IPP compound, to the east of the sub-station site, comprises an area of hardstanding, the IPP building (with switchgear and metering room) and transformer bund. The flat roof building has a maximum height of 3.6m. The EirGrid compound comprises pitched roof building, with a maximum height of 6.4m, with control room, battery room, hallway, WC and store. The WC will be connected to a sealed tank which will be routinely emptied. The two compounds are separated by internal fencing and are accessed via two gated entrances within the overall site. To the north of the substation compound is a hardstanding to permit vehicular parking.
- 2.4. The grid connection comprises:
- Underground cabling, in three ducts, over a distance of c.1km, from the south west corner of the compound, and
 - Two no. 110kV cable end masts at its southern end, to tie the cabling into the existing 110kV Corduff-Mullingar overhead line.
- 2.5. The underground line has cable joint bays and fibre pull pits along its length. Proposed masts are latticed metal structures, 16.25m in height and set on a concrete base. Access to the site is proposed from local road L6222, via an existing agricultural entrance and access track, permitted under RA/170873.
- 2.6. The application for the development is accompanied by:
- Planning Report. Attached to this document are appendices which include a Statement of Community Involvement, Community Information Pack, Construction Traffic Management Plan, Archaeological and Architectural Heritage Impact Assessment, Archaeological Testing Report and Construction and Environmental Management Plan.
 - Ecological Impact Assessment.
 - Screening for Appropriate Assessment.
 - Flood Risk Assessment and Drainage Proposals.
 - Landscape and Visual Impact Assessment.
 - Plans and drawings – These indicate, amongst other things, possible directional drilling to cross Dunboyne Stream to the south of the compound (see Drawing 19351-5029).

3.0 Planning History

3.1. The application for the grid connection is made on foot of:

- i. Pre-application consultations with the Board under ABP-300167-17, where the Board decided that the then proposed development, 110kV substation, underground cable and 2 no. cable end masts at Vesingstown and Harlockstown, comprised strategic development, and
- ii. Permission for the parent solar farm granted by Meath County Council, under PA ref. RA/170873 (see Appendix A of Planning Report for copy of final grant). This permitted development comprises a 10-year permission for a solar farm, on a site of c.130ha, in the townlands of Vesingstown and Polleban, to provide 55 MW MEC¹ (equivalent to the power requirements of 18,136 households/pa). The permission was subject to 37 no. conditions.

3.2. The proposed sub-station is situated towards the centre of the permitted wind farm site, which extends on land to the east/north east and west/south west of the sub-station (see Site Location map, Drawing no. 19351-5020 Rev D).

4.0 Policy Context

4.1. National Policy

- Project Ireland 2040 National Planning Framework.
- National Development Plan 2018 – 2027.
- Regional Planning Guidelines for the Greater Dublin Area 2010 to 2022.

4.2. The national and regional policy framework supports the development of renewable energy and associated transmission infrastructure, to facilitate transition to a low carbon economy, subject to environmental safeguards.

4.3. Meath County Development Plan 2013 to 2019

4.3.1. Chapter 8 of the County Development Plan deals with Energy and Communications. Section 8.1.3 states that the planning authority is committed to pursuing sustainable energy policies in accordance with the White Paper 'Towards a Sustainable Energy

¹ MEC = maximum export capacity.

Future for Ireland 2007-2020' and the need to secure a greater proportion of energy needs from renewable sources. Relevant energy policies include:

- Policies EC POL 1, 2 and 3 - Support the development of renewable energy sources in the County, subject to environmental safeguards.
- Policy EC POL 11 - Supports and facilitates the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the county.
- Policy EC POL 16 - Seeks to ensure that the location of local energy services such as electricity, be undergrounded, where possible.
- Policy objective EC OBJ 4 - Seeks to facilitate linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner.

4.3.2. The appeal site lies within the South East Lowlands landscape character area (LCA 11), of 'Very High Value' and 'Medium Sensitivity'. Appendix 7 of the CDP states that the landscape has '*medium potential capacity to accommodate overhead cables, substations and communication masts due to the enclosed nature of the drumlin landscape which offers good opportunities to screen such development or reduce its prominence*'. The appeal site is removed from any protected view and generally from protected structures. Two National Monuments lie to the north of the site, ME050-009 (Church) and ME050-009001 (graveyard).

4.4. **Natural Heritage Designations**

4.4.1. Nearest sites of nature conservation interest lie c.7km to the south of the site and comprise the Rye Water Valley/Cartron pNHA and SAC (site code 001398) and to the south of this the Royal Canal pNHA (site code 002103) (see attachments).

4.5. **EIA Screening**

4.5.1. The application for the proposed development is made under section 182A of the Planning and Development Act 2000 (as amended). For such applications, environmental impact assessment is not mandatory. Further, the 'parent' development that the proposed development forms part of, is a solar farm and it is a type of development does not require environmental impact assessment.

- 4.5.2. Notwithstanding the above, section 172(1) of the Planning and Development Act, 2000 (as amended) requires that environmental impact assessment where proposed developments would be of a class specified in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) and would equal or exceed stated thresholds set out for that class or, if sub-threshold, would be likely to give rise to significant environmental effects.
- 4.5.3. The proposed development comprises construction works/interventions in the natural environment and therefore comprises an EIA type project. The proposed development will increase the voltage of the energy produced on the site of the associated solar farm and convey this to the transmission system by underground connection. Consequently, the development is not of a type which falls within any of the Classes of development set out in Part 1 or Part 2 of Schedule 5, including classes of development for the energy industry which refer to the transmission of energy by overhead electrical power lines and at voltages in excess of 200kV.
- 4.5.4. Having regard to the above, I would conclude that environmental impact assessment is not required for the proposed development.

5.0 Submissions

5.1. Planning Authority Response

- 5.1.1. The planning authority's report to the Board sets out the planning history of the application site, relevant planning policies and internal reports. It makes the following comments on the development in its assessment of it:
- Principle – The solar farm is supported by national, regional and local planning policy. The proposal is ancillary to the permitted solar farm and is necessary to connect the development to the national grid. The development is acceptable in principle subject to meeting environmental, technical and visual requirements.
 - EIA – Considers that an EIAR is not required.
 - Access and Transport – Refers to the applicants Construction Traffic Management Plan and mitigation measures proposed within it to minimise impacts during the construction phase of the development the absence of

significant residual impacts during the operation of the development due to the small number of predicted traffic movements for this phase of the development.

- Biodiversity and ecology – Having regard to the existing habitat on site (improved grassland and arable) and proposed mitigation measures, considers that the development will have a low impact in the long term on the ecology of the site.
- Appropriate Assessment – Having regard to the applicant’s appropriate assessment screening report (which also considers cumulative effects with the permitted wind farm), large distance between the application site and European sites and freshwater buffer, consider that no significant effects on European sites will arise.
- Landscape and visual – Refers to the applicant’s landscape and visual impact assessment of the proposed development (and in conjunction with the permitted wind farm), location of the sub-station and screening provided by existing hedgerows and considers that whilst landscape/visual impacts will occur within the site and within c.1km of it, no significant effects will arise within the wider landscape or impacts on protected views.
- Conservation – Recommends painting of structures a dark grey or matt green and sufficient native planting to screen development from any view of National and Recorded Monuments in the vicinity.
- Archaeology – Refers to the archaeological assessment carried out for the solar farm and the absence of archaeological features on the application site. It recommends archaeological monitoring of development works.
- Noise and vibration – Due to the existence of mature landscaping and proposed mitigation measures, noise levels will be in accordance with best practice standards.
- Construction and Environmental Management Plan – Recommend conditions for the construction and commissioning phases of the development and consider that the implementation of the preventative measures proposed will minimise any potential adverse effects on the local community.
- Flooding and drainage – Refer to the applicant’s Site-Specific Flood Risk Assessment and accept its conclusions that the site is outside of Flood Zones

A and B and FFL of the entire compound is in excess of 500mm above the Q1000 flood event. Arrangements for surface water management are deemed to be acceptable subject to detailed design of soakaway.

5.1.2. In conclusions the planning authority recommend that permission is granted for the development, subject to 13 no. conditions. These include:

- No. 2 – Implementation of mitigation measures identified in the Natura Impact Statement and Biodiversity Management Plan.
- No. 3 – Landscaping to take place in first planting season upon commencement of development.
- No. 4 – Requires all external finishes to the substation and service buildings to be dark grey or matt dark green in colour.
- No. 5 – Requires ground tests and design of soakaway to be agreed with planning authority.
- No. 6 – Requires recording of emissions to air from construction traffic and use of low energy and low emission vehicles and plant where possible.
- No. 7 – Control of noise.
- No. 8 – Management of contaminants and provision of complaints register.
- No. 9 – Waste management and control of dust.
- No. 10 – Implementation of measures set out in Construction Environmental and Traffic Management Plan.
- No. 11 – Archaeological monitoring.
- No. 12 – Provision of sightlines at entrance to the site in advance of commencement of development and road condition survey of L6222 from its junction with the R156 to its junction with the R154.
- No. 13 – Implementation of measures set out in Flood Risk Assessment.

5.1.3. No development contribution conditions are recommended as these were applied to the solar farm development already permitted under PA ref. RA/170873.

5.2. **Observations**

5.2.1. Sixteen prescribed bodies were notified with regard to the proposed development (see file). Observations were submitted by the following:

- Transport Infrastructure Ireland (20th March 2019) – No observations subject to the development being undertaken in the manner set out in the Planning Report and Construction Traffic Management Plan (including mitigation measures in section 4 of this Plan).
- Irish Water (1st April 2019) – No objections.
- Geological Survey Ireland (24th April 2019) – No County Geological Sites in the vicinity of the site. Request copy of any site investigations carried out and exposure of any significant bedrock cuttings in the interest of geological heritage.
- Inland Fisheries Ireland (29th April 2019) – Two streams on the site are in the catchment of the River Tolka, an important salmonid system. Recommend conditions in respect of work practices, including method statements for stream crossings to be agreed in advance with IFI.

5.3. Further Submissions

5.3.1. In response to the observations/submissions made by third parties, the applicant makes the following comments:

- Proposed condition no. 2 (ecological mitigation measures) – The application was not accompanied by a Natura Impact Statement (NIS) but an Ecological Impact Assessment and Screening report for Appropriate Assessment. Request that if the condition is considered necessary, it is reworded to this effect.
- Proposed condition no. 4 (external finish) – Considers that the condition, as worded, may limit their ability to select some suppliers, who may operate off a slightly different colour palate. Suggest revised wording which allows for a dark grey or matt dark green finish, or a colour to be agreed with the planning authority.
- Proposed condition no. 6 (recording of emissions to air from construction traffic) – Considers this condition is not necessary, not relevant to planning, unenforceable, imprecise and unreasonable. It requests that the condition is omitted.

6.0 Oral Hearing

- 6.1. The Board directed on the 31st May 2019 that an Oral Hearing in respect of the application should not be held.

7.0 Planning Assessment

- 7.1. National, regional and local planning policies support the development of renewable energy, including solar, and its connectivity to the electricity transmission system, subject to environmental safeguards. No objections have been raised in respect of the development and the planning authority has recommended a grant of permission, subject to conditions. The applicant has made comments on three of these.

- 7.2. Having regard to this context, I consider that the proposed development is acceptable in principle, and I confine my assessment to consideration of the environmental effects of the proposed development and matters raised by the applicant under the following headings:

- Impacts on people.
- Impacts on ecology.
- Landscape and visual effects.
- Cultural heritage
- Flood risk.
- Proposed conditions.

- 7.3. **Impacts on People.** The proposed sub-station and compound is situated in an agricultural field that is generally removed from residential development and other sensitive land uses. As stated, the nearest residential property is c. 350m to the south of the site and a Boarding Kennels lies c.600m to the east (see Figure 7-3 and 7-4, Planning Report). The sub-station site is separated from these properties by the generally flat topography, large agricultural fields, established hedgerows and, from my inspection of the site and the information on file, will not substantially visible from these locations.

- 7.4. The planning application for the solar farm predicted that noise from the solar farm and sub-station would not give rise to significant noise impacts. This conclusion was

accepted by the planning authority. In addition, I note the results of an Evidence Based Study, referred to by the applicant (page 39 of Planning Report), which indicated that for 110kV sub-stations, the measured noise levels at 10m are well within the daytime WHO threshold limits for serious annoyance and moderate annoyance for outdoor living areas and the night time threshold limit for preventing negative effects on sleep. Having regard to these factors, I do not consider that the proposed development would give rise to significant noise impacts on nearby residential properties or other sensitive receptors.

- 7.5. The sub-station will be connected by underground cable to the 110kV Corduff-Mullingar overhead line and once constructed will have no above ground effects. The two steel lattice end masts will replace existing wooden poles, will be located to the east of a commercial property and partly screened from the road by existing roadside vegetation. Again, due to these factors, I do not consider that the proposed connection to the existing overhead line would have any adverse visual impacts.
- 7.6. During construction, the proposed development is likely to result in an increase in traffic on local roads, short term construction noise and possible dust and dirt on the public road. The applicant proposes that traffic is managed in accordance with a Construction Traffic Management Plan (Appendix E, Planning Report). It was prepared for the development as a whole (solar farm and sub-station) and will apply to the sub-station development, which will be delivered alongside the permitted solar farm.
- 7.7. The Plan refers to two accesses to the overall site from the L6222, one to the south and one to the north, with the sub-station accessed from the southern entrance (an existing farm access track). The CTMP includes proposals 70m x 2.4m sightlines at this access, details of internal access tracks, proposed delivery routes (see section 2.12 of report and Figure 1), autotrack analysis for the large vehicles, an estimate of vehicle movements during the construction phase, construction parking and timing restrictions for traffic movements (i.e. to be carried during standard working hours, with deliveries scheduled to avoid peak times). Mitigation measures also include means to minimise dust and dirt on the public road. Subject to the implementation of the measures referred to in the CTMP, I would accept that whilst traffic impacts on the local road network are likely to arise over the 6-month construction period, impacts will be short term and are unlikely to be significant.

- 7.8. Operational access to the sub-station is proposed from the L6222 (southern entrance), granted permission under RA170873. Operational traffic levels are predicted to be very modest with c.5-10 Light Goods Vehicles every year and are unlikely to give rise to any significant effects on the local road network.
- 7.9. **Impacts on Ecology.** The applicant's Ecological Impact Assessment (EclA) establishes the baseline ecological conditions at the subject site (substation and connection to transmission system), identifies likely ecological impacts of the development and recommends mitigation measures. The assessment is predicated on the following:
- i. Preparation and implementation of a Construction Environmental Management Plan (Appendix M of Planning Report), for the development as a whole (sub-station, connection to transmission system and solar farm). Section 1.2.1 of the EclA sets out documents to which the CEMP will refer and to standard best practice construction measures to be included in the CEMP.
 - ii. Survey of the site carried out in late September 2018.
- 7.10. Habitats occurring within the study area comprise principally improved agricultural grassland, arable crops, limited treelines, hedgerows and spoil and bare ground (existing agricultural tracks) and are deemed to be of Local (lower) importance. Dunboyne Stream, a tributary of the Tolka River crosses the site in a broadly west to east direction and other drainage ditches are identified along field boundaries, including along the southern boundary of the sub-station site (see Figure 4.1 Study Area Habitats). Aquatic habitats were not considered to be of particular interest or value, given the managed nature of adjoining banks/hedgerows and the dry nature of habitats at time of survey. Dunboyne stream discharges into the River Tolka and subsequently into Dublin Bay, c.23km downstream, and the Bay is designated as a national site of nature conservation interest, North Dublin Bay, proposed Natural Heritage Area (see Figure 3-2, EclA). The subject site is not hydrologically connected to any nearer sites of nature conservation interest. Survey of the site found evidence of badger activity, but no setts, limited roosting potential for bats and two amber listed birds.
- 7.11. Construction of the sub-station will result in principally the loss of grassland-dominated vegetation from the site and the installation of cabling will result in the

temporary loss of grassland which will be reinstated. Trees and hedgerows will generally be retained. Works in/near watercourses will be subject to the NRA's Guidelines for the Crossing of Watercourses during the Construction of national Road Schemes and other best practice construction guidelines which will be adopted to protect water quality (this includes possible directional drilling to cross Dunboyne stream). Potential impacts on badgers, bats and birds are not considered to be significant, due to the absence of significant usage of the site by these species, localised nature of works, restricted timeframes to be adopted and the implementation of standard mitigation measures proposed. Due to the distance of the subject site from downstream sites of nature conservation interest, the adoption of best practice construction methodology and short duration of construction works, no potential impacts on nationally designated sites are likely to arise.

- 7.12. Mitigation measures are set out in section 6 of the EclA. These principally relate to the construction phase of the development and comprise generally standard measures e.g. exclusion area around trees and hedgerows, seasonally appropriate clearance of vegetation and native planting of replacement habitat that is removed, invasive plant species survey in advance of works etc.
- 7.13. Having regard to the modest scale and form of the proposed development, the specific characteristics of the subject site, which principally comprises improved agricultural land, the proposed construction methodology and mitigation measures, I consider that the proposed development is unlikely to have an adverse effect on the ecology of the subject site or downstream sites of national nature conservation interest (effects on European sites are considered below). Having regard to the observations made by IFI, if the Board are minded to grant permission for the development, I would recommend that any works in or near watercourses, including works to cross watercourses, be subject to agreement with this statutory body in advance.
- 7.14. **Landscape and visual effects.** Landscape and visual effects of the proposed sub-station and overhead line connection, alone and in conjunction with the permitted solar farm, are considered in the applicant's Landscape and Visual Impact Assessment. The Assessment identifies the potential for localised landscape character and visual impacts during the construction and operation of the development, within the site boundary, but negligible effects outside. Mitigation

measures include the retention of existing vegetation within the site and along site boundaries, replanting of cleared hedgerow vegetation and planting to reinforce damaged or weakened linear features (see page 6 of EclA). I note that there is no landscaping scheme for the site showing these arrangements.

- 7.15. Having regard to the location of the sub-station, generally removed from the public road network, intervening topography and landscape features, the modest scale of the development and proposed mitigation measures, I would consider this to be an accurate assessment of likely landscape and visual effects. The proposed cable end masts will be visible from the R156 but for a short distance only and again will be screened by roadside vegetation.
- 7.16. Section 1.7 of the Assessment deals with cumulative effects, with the permitted solar farm. Given the modest landscape and visual effects of the proposed development and the absence of significant effects arising from the permitted solar farm, no significant cumulative impacts are predicted to arise from the developments either during construction or operation. Again, having regard to the location of the solar farm development as a whole (solar farm with the proposed development), which is generally removed from the public road network, the low profile of the permitted solar farm and the screening effects of landscape features, I am satisfied that the proposed development would not give rise to significant cumulative landscape character of visual effects.
- 7.17. **Cultural heritage.** The likely effects of the proposed development on archaeology and architectural heritage were previously assessed in the application for the permitted solar farm. This included an Archaeology and Architectural Heritage Impact Assessment (AAHIA), Geophysical Survey and Trenching Report (included in Appendix G, K and L of the Planning Report). As a consequence of the survey work, areas of archaeological interest were located to the north of the solar farm site (associated with RMP ME050-009001) and were excluded from the development area. Furthermore, the planning authority's grant of permission requires under RA/170873, in condition no. 21, archaeological monitoring of site works.
- 7.18. No features of archaeological interest have been identified in these assessments/reports on the subject site and I note that no issues have been raised by the Department of Culture, Heritage and the Gaeltacht. If the Board are minded to grant permission for the development, I would recommend a condition requiring

archaeological monitoring of the application site and, subject to this, I am satisfied that no significant impacts on archaeological heritage will arise as a consequence of the development by itself or in combination with the permitted solar farm.

- 7.19. **Flood risk.** The applicant considers the issue of flood risk in the report Flood Risk Assessment and Drainage Proposals. In summary, the proposed development as electricity infrastructure is considered to be a 'highly vulnerable development'. A tributary of the River Tolka (Dunboyne River) flows south of the substation site and the risk of fluvial flooding has been identified and subject to detailed assessment (Preliminary Flood Risk Assessment Indicative Fluvial Flood Maps). The risk of pluvial and groundwater flooding is considered in the report and both are deemed to be low, principally due to the topography of the site, the drainage network in the area, for example, which would intercept flows onto the site, and lack of features on/near the site which would suggest a risk of groundwater flooding.
- 7.20. The applicant's detailed assessment of flood risk, which includes a theoretical modelling exercise, indicates that for the 100 year and 1000 year floods the substation site is not affected by flooding (but directly adjoining lands are – see Figure 5-4, 5-5 and 5-6 of Report). In addition, I note that the finished floor level of the entire compound is set at the 85.9m OD contour, more than 500mm above the predicted floodplain (84.9m OD), which is stated to provide an allowance for climate change.
- 7.21. The applicant's Flood Risk Assessment is based on conservative assumptions e.g. 100% of culverts downstream are blocked, and arrangements for the discharge of surface water have been accepted in principle by the planning authority. I am satisfied, therefore, that the subject site lies outside of the 1000- year flood zone and that the proposed development will not be affected by flooding.
- 7.22. Surface water arising in the substation compound and from foundation plinths (pylons) will be directed to ground via permeable flooring and runoff from impermeable areas e.g. roadway, buildings will pass through a petrol interceptor and discharge into a soakaway. Subject to detailed design of the soakaway, these arrangements seem reasonable, consistent with good practice and unlikely to give rise to off-site discharge of surface water.
- 7.23. **Proposed conditions.** The applicant raises concerns regarding three of the planning authority's proposed conditions:

- Condition no. 2 – This refers to the implementation of mitigation measures set out in the Natura Impact Statement and Biodiversity Management Plan. However, the application to the Board includes an Ecological Impact Assessment and a Screening for Appropriate Assessment reports. If the Board are minded to grant permission for the development, I would recommend that this condition be reworded and omit any reference to an NIS or Biodiversity Management Plan.
- Condition no. 4 – This requires the external finish of the substation and service buildings to be dark grey or matt dark green in colour. The applicant considers that this might be unduly restrictive. No RAL numbers are specified and as written I consider that the condition would allow for a reasonable palate of colours. However, the applicant has suggested that the condition is worded to allow for the use of these colours or another colour to be agreed in advance with the planning authority and I do not consider this to be unreasonable.
- Condition no. 6 – This requires the developer to (a) record actual construction vehicle and plant emissions to air (including all plant used on site and all deliveries to and from the site during construction) and, (b) the use of low energy or low emission vehicles where possible. Whilst I understand the rationale for the condition, I consider that the first part of the condition is not necessary for the proper planning and sustainable development of the area i.e. to control the environmental effects of the development, which are not considered to be significant and I would accept the applicant's argument that the issue is governed by other statutory codes. Further, as worded it is imprecise and open ended in respect of all deliveries to the site. For these two reasons, I consider that the condition is therefore unreasonable. If the Board are minded to grant permission for the development, I would recommend that the first part of the condition be omitted and the second part, which is not unreasonable and which the applicant does not object to, be included in a general condition which requires the development to managed in accordance with at Construction Management Plan.

8.0 Appropriate Assessment

8.1. The application for the proposed development includes a report, Screening for Appropriate Assessment. The report concludes that due to the magnitude and scale of the development, the absence of a direct hydrological pathway and distance between the site and relevant European sites, the development is not likely to have a significant effect on any European site, individually or in combination with other projects or plans.

8.2. AA Screening

8.2.1. The applicants Screening Report makes references to a number of construction practices and mitigation measures. In the interest of clarity, the following screening exercise has not had regard to these and has been carried out independently.

8.2.2. **European sites.** One European site lies within 15km of the subject site and two lie downstream of it:

European Site	Qualifying Interests	Distance
Rye Water Valley/Cartron SAC (001398)	Petrifying springs with tufa formation (Cratoneurion)* (priority habitat); Narrow-mouthed Whorl Snail (<i>Vertigo angustior</i>) ; Desmoulin's Whorl Snail, (<i>Vertigo moulinsiana</i>)	c.6km
South Dublin Bay and River Tolka Estuary SPA (004024)	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>); Oystercatcher (<i>Haematopus ostralegus</i>); Ringed Plover (<i>Charadrius hiaticula</i>); Grey Plover (<i>Pluvialis squatarola</i>); Knot (<i>Calidris canutus</i>); Sanderling (<i>Calidris alba</i>); Dunlin (<i>Calidris alpina</i>); Bar-tailed Godwit (<i>Limosa lapponica</i>); Redshank (<i>Tringa totanus</i>); Black-headed Gull (<i>Chroicocephalus ridibundus</i>); Roseate Tern (<i>Sterna dougallii</i>); Common Tern (<i>Sterna hirundo</i>); Arctic Tern (<i>Sterna paradisaea</i>); Wetland and Waterbirds.	c.23km

South Dublin Bay SAC (000210)	Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; Embryonic shifting dunes.	c.23km
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8.2.3. **Conservation objectives.** Conservation objectives for Rye Water Valley/Carton SAC are generic, to maintain or restore the favourable conservation condition of the Annex I habitats and/or Annex II species for which the site has been selected. For South Dublin Bay and River Tolka Estuary SPA, they are to maintain the favourable conservation condition of the species/wetland habitat of conservation interest and favourable conservation condition is defined by stated attributes and targets. For South Dublin Bay SAC, conservation objectives are to maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide and favourable conservation condition is again defined by stated attributes and targets.

8.2.4. **Potential Effects.** The subject site lies within the Liffey and Dublin Bay WFD Catchment and the Tolka_SC_010 WFD sub-catchment and site itself is drained by Dunboyne stream. The stream joins the River Tolka c.7km downstream of the site which ultimately outfalls into Dublin Bay. There is therefore a potential pathway, albeit at considerable distance, for pollutants arising on site to affect a downstream European site at Dublin Bay. With regard to mobile species of conservation interest, potential effects could arise if the subject site is substantially used by these species. In contrast, the Rye Water Valley/Carton SAC falls within a different sub-catchment of the Liffey and Dublin Bay WFD i.e. the Liffey_SC_80 and is not hydrologically connected to the application site. There is, therefore, no potential for significant effects on this European site.

8.2.5. **Likely effects.** The subject site lies c.23km upstream of the Dublin Bay European sites. At this distance, in the absence of the application of any of the proposed mitigation measures or proposed construction practices, with the dilution effects of the water body and settlement of fine particles, there is no risk of likely significant effects to the downstream European habitats. Impacts on mobile species of conservation interest are also highly unlikely, given the absence of such species

observed on site and the absence of suitable habitat on site for birds of conservation interest associated with the South Dublin Bay and River Tolka Estuary SPA (e.g. coastal habitats, inland lakes or large rivers).

8.2.6. **In combination effects.** Having regard to the location of the proposed development, and the adjoining solar farm development, substantially removed from downstream European sites, I do not consider that there is any likelihood of significant in-combination effects on any European site. No other substantial plans or projects are evident in the area that may give rise to potential on combination effects.

8.3. **AA Screening Conclusion**

8.3.1. In conclusion, it is reasonable to conclude that on the basis of the information on the file (and excluding any proposed mitigation or construction practices), 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 Rye Water Valley/Carton SAC (001398), South Dublin Bay and River Tolka Estuary SPA (004024), South Dublin Bay SAC (000210) or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

9.0 **Recommendation**

9.1. Having regard to the above, I recommend that permission be granted, subject to conditions, for the reasons and considerations set out below.

10.0 **Reasons and Considerations**

10.1. 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,
- Regional and local level policy, including the:
 - Regional Planning Guidelines for the Greater Dublin Area 2010-2022,
 - Meath County Development Plan 2013-2019,
- 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.

Proper Planning and Sustainable Development

- 10.1.1. It is considered that the proposed development would accord with European, national, regional and local planning policy 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.

Appropriate Assessment Screening

- 10.1.2. 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, 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.

11.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This permission shall be for a period of 10 years from the date of this order.</p> <p>Reason: To allow for a review of the development having regard to the circumstances then pertaining.</p>
3.	<p>Prior to the commencement of development:</p> <ul style="list-style-type: none"> a. Sightlines of 70m x 2.4m in each direction shall be provided at the entrance to the site, and b. A condition survey of the public road, L6222, including bridges and culverts, from its junction with the R156 to its junction with the R154, shall be submitted to the satisfaction of the planning authority. <p>Reason: In the interest of traffic safety.</p>

4.	<p>The proposed development shall be undertaken in compliance with all environmental commitments made in the documentation supporting the application. Works in or near watercourses and means to cross watercourses shall be agreed in advance with Inland Fisheries Ireland. The developer shall appoint person with appropriate ecological and construction expertise as Environmental Manager to ensure that the environmental commitments are implemented in full. Prior to the operation of the development, a report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.</p> <p>Reason: In the interests of environmental protection.</p>
5.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping. Landscaping details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to an appropriate scale showing –</p> <p style="padding-left: 40px;">(i) Existing trees and hedgerows to be preserved and details for the protection of same during the construction and operational phases of the proposed development.</p> <p style="padding-left: 40px;">(ii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p> <p>(c) A timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the proposed development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>All external finishes to the proposed electricity sub-station and associated</p>

	<p>service buildings shall be of a dark grey or matt green colour, or a colour to be agreed with the planning authority in advance.</p> <p>Reason: in the interest of visual amenity.</p>
7.	<p>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.</p> <p>Reason: In the interest of environmental protection and public health.</p>
8.	<p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan and Traffic 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 noise and dust management measures, surface water management proposals, detailed design of watercourse crossings, the use of low energy/low emission vehicles, the management of construction traffic, means to protect the public road and off-site disposal of construction waste.</p> <p>Reason: In the interests of public safety, protection of ecology and residential amenity.</p>
9.	<p>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.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
10.	<p>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 –</p> <p style="padding-left: 40px;">(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological</p>

	<p>and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(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.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>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.</p>
11.	<p>All waste generated during construction, including any surplus excavation material, shall be taken off site and shall only be recovered or disposed of at an authorised site which has a current waste licence or waste permit in accordance with the Waste Management Acts 1996 – 2008. This shall not apply to the reuse of excavated material within the developer’s site boundary. The developer shall ensure that all waste removed from site is collected and transported by an authorised collector. The developer shall ensure that all activities pertaining to collection and transportation are as detailed in any waste collection permit.</p> <p>Reason: In the interest of sustainable waste management.</p>
12.	<p>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.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>

Deirdre MacGabhann

Planning Inspector

30th July 2019