



An
Bord
Pleanála

Inspector's Report

ABP-308490-20

Development	Extension to solar farm to provide photovoltaic panels with a surface area of 28,000sqm and export electrical capacity of 4 megawatts.
Location	Friarspark 6th Division, Trim, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	TA201048
Applicant(s)	Friars Park Solar Ltd
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	Andrea O'Brien & Bruno Simoes.
Observer(s)	None.
Date of Site Inspection	30 th March 2021.
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

- 1.1. The 9.51ha appeal site is situated c.2km south west of Trim town centre. It lies in the townland of Friarspark 6th Division to the east of the R161, Trim to Kinnegad Regional Road. Access to the site via a cul-de-sac off the regional road that serves residential property and agricultural lands.
- 1.2. The site comprises two agricultural fields and a smaller part of an adjoining field, to the south east. At the time of site inspection the fields were planted with arable crops and were separated and bounded by mature hedgerows. Wet ditches ran, in part, alongside the hedgerow that separating the fields. Two electricity power lines traverse the site, one in an east to west direction and the other southwest to north east.
- 1.3. Alongside the northern boundary of the site, adjacent to the regional road are detached properties. The nearest of these is c.50m from the appeal site. Generally, these are of limited visibility from the site due to mature trees and vegetation along the northern boundary of the site. To the south of the site are a further two residential properties. The appellant occupies the dwelling nearest to the site (c.80m).

2.0 Proposed Development

- 2.1. The proposed development comprises an extension to the solar farm permitted under PA ref. TA180167 (immediately east of the appeal site). The development provides photovoltaic panels with a surface area of c.28,000sqm and an export capacity of up to 4 megawatts. Panels will be mounted on steel support structures. Associated infrastructure includes:
 - 5 no. transformer cabins and inverters,
 - Temporary construction compound,
 - Ducting and electrical cabling,
 - Boundary security fencing,
 - Mounted CCTV cameras, and
 - Internal tracks and ancillary works.

- 2.2. The solar PV structures, arrays, will have a maximum height above ground of up to 3m, be tilted at c.25° from the horizontal and orientated to due face south. The PV panels will be mounted on steel support structures, supported by pile driven foundations (no concrete to be used) and there is no import or export of soil from the site. Decentralised converters (c.25) will be used to convert the direct current output to alternating current. These will be mounted on the steel support structures used to mount the solar panels (Figure 2-1, Environmental Report). Underground cabling will convey the power to the nearest transformer cabin (5 no.)(Figure 2-2) and to the Grid Control Building, granted under TA180167, with electricity exported from here, for both developments, to the national grid. An indicative underground route connection is shown in drawing no. 105 and 106 (final design subject to design constraints of ESB Network). The development will generate an additional export capacity of up to 4 megawatts of electricity (equivalent to the usage of 900 households). Permission is sought for a duration of 10 years, with an operational life of 30 years, after commissioning.
- 2.3. Access to the site will be from the entrance permitted under PA ref. TA180167, via the existing access lane to the site from the R161 (sightlines 160m to south west; 114m to north east at the junction with the regional road). Approximately 240m of new on-site track will be required to allow access for construction and operational traffic (Drawing nos. 200 and 201).
- 2.4. A small hardstand area, c.1,900sqm, is proposed near the site entrance (consented under TA180167). It will be used for vehicle parking during construction and as a temporary construction compound (including site offices, toilets, canteen, bunded fuel storage) and set down area for deliveries. Toilets will be emptied weekly, and water will be brought to the site as required.
- 2.5. A 2.5m high security fence will be erected around the perimeter of the site (c.5m from outer field boundary, located on inside edge). It will be raised 150mm off the ground to facilitate uninterrupted mammal access throughout the site. The site will be unmanned and monitored remotely by CCTV cameras, using infra-red technology.
- 2.6. It is stated that the solar arrays and associated infrastructure occupy less than 5% of the total site area. Solar arrays will be separated by c.5-6m and beneath and

between panels and along site margins, species rich grassland will be developed. Sheep will be grazed on the site to manage vegetation growth. No hedgerows will be removed and c.80m of new hedgerow will be planted (southern boundary). It is anticipated that the change in habitat from tillage to species rich grassland will result in increased diversity of vascular plants and potentially an increase in the diversity of invertebrates, birds and mammals.

- 2.7. Accompanying the planning application is a Planning and Environment Report (with technical impact assessments), Appropriate Assessment Screening Report, plans and drawings.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 25th of September 2020, the planning authority decided to grant permission for the development subject to 10 conditions, including:

- C2 – Requires the solar farm permitted under PA ref. TA/180167 and the subject extension to constitute a single planning unit, with an output of 8MW, and comply with conditions set out under the parent permission. It limits the permission and the parent permission to an expiry date of 5th August 2028.
- C3 – Requires provision of visibility splays prior to the commencement of development.
- C4 – Restricts traffic movements to a maximum of 20 per day.
- C5 – Requires a post construction glint and glare assessment.
- C6 – Requires Construction and Traffic Management Plan to be agreed with the PA prior to the commencement of development and pre and post construction survey of the public road.
- C7 – Requires landscape plan providing for the augmentation of vegetation on the northern, southern and eastern boundaries of the site to be agreed with the PA prior to commencement of development.
- C8 – Requires the removal of structures 25 years from the date of commencement.

- C9 and 10 – Require the payment of a bond and a development charge, respectively.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 23rd September 2020 – The report refers to site location, planning history and policy context, submissions on file, internal and external reports. It considers the merits of the development as follows:
 - Principle – Considers the development to be acceptable in principle having regard to the planning history of the site and national, regional and local planning policies, which seek to achieve a low carbon and climate resilient society and support renewable energy projects, subject to environmental safeguards.
 - Siting, design and layout – Adverse effects on residential amenity during construction will be satisfactorily mitigated by condition, which will be linked to the permitted development.
 - Landscape and visual impact – Due to its location and nature of development, it will not result in adverse effects on protected views or to visual amenity, but will give rise to localised impacts, particularly where there are some gaps in existing boundaries. States that this can be addressed by condition, as previously considered under PA ref. TA/180167 (condition nos. 7 and 15).
 - Access, traffic and parking – Refers to the report and recommendations of the Transportation Department (below).
 - Environment and hydrology – Development will not result in flooding.
 - Noise and nuisance – No operational noise anticipated. CEMP to mitigate construction noise.
 - Glint and glare – No objections by IAA and conclusions of assessment are considered acceptable. Condition to require post construction assessment in the event of a grant.

- Heritage – Test trenches identified archaeological features to be persevered in situ with a circular exclusion zone. Refers to report by and recommendations of Conservation Officer, below. Refers to mitigation measures in Ecological Impact Assessment, in particular with regard to badger sett and conditions imposed under PA ref. TA/180167.
- AA and EIA - No Stage 2 Appropriate Assessment or EIA required. Third party concerns are not sufficient to warrant a sub-threshold EIA.
- The report recommends granting permission subject to conditions.

3.2.2. Other Technical Reports

- Architectural Conservation Officer (8th September 2020) – No Recorded Protected Structures, Recorded Registered Monuments or Zones of Archaeology in the vicinity of the proposed development. No objections provided sufficient screening provided with native species.
- Transportation (11th September 2020) – No objections, subject to conditions, traffic movements to be restricted to 20/day, glint and glare survey post construction, sightline improvement works and Construction Stage Traffic Management Plan to be implemented/agreed in advance of commencement and pre and post construction road survey.

3.3. Prescribed Bodies

- IAA (24th August 2020) – No observations.
- GSI (28th August 2020) – No County Geological Sites in the vicinity of the site. Recommend use of National Aquifer, Vulnerability and Recharge Maps and GWflood tools.

3.4. Third Party Observations

3.4.1. There are two third party observations on file. Matters raised are:

- Planning history.
- Need/rationale for development.

- Impact on residential amenity.
- Impact on landscape/visual effects.
- Loss of agricultural land.
- Public health/safety.
- Compliance with European law.
- Impact on EU sites and biodiversity.
- Risk of contamination of groundwater.
- Impact on community (developer led).
- Poor enforcement of conditions/lack of compliance.

4.0 Planning History

- PA ref. TA/180167 – Permission granted for a solar farm, surface area c.31,000sqm PV arrays, mounted on steel support structures, and associated development. Export capacity of farm 4 megawatts. Planning permission was granted for a period of 10 years and an operational life of 25 years. (At the time of site inspection, not constructed).

5.0 Policy Context

5.1. National/Regional Policy

- National Planning Framework, GoI, 2018. Sets out strategic objectives for the development of the state, including transitioning to a low carbon, carbon resilient society (NSO 8), diversification of the rural economy (with emphasis on industries addressing climate change and sustainability (NPO 21), greater generation and use of renewable resources and reducing carbon footprint (NPO 53-55).
- Regional and Spatial Economic Strategy, Eastern and Midland Region 2019. Also supports transitioning to a low carbon economy and increase in renewable energy sources (RSO 9).

5.2. Meath County Development Plan 2013-2019

- 5.2.1. Policies of the County Development Plan promote rural economic development and encourage rural enterprise and diversification, including renewable energy production at appropriate locations (ED POL 17, 19; EC POL 1 to 3). Development management standards for renewable energy are set out in section 11.15 of the Plan and include environmental safeguards. Strategic objectives of the Plan support the continuing viability of agriculture and investment in the innovation and enterprise with special emphasis on the green economy (RUR DEV SO 7).

5.3. Natural Heritage Designations

- 5.3.1. The appeal site lies c.1km to the south of the River Boyne and River Blackwater SPA and SAC (site codes 004232 and 002299 respectively).

6.0 EIA Screening

- 6.1.1. The proposed solar farm is a type of development that does not fall within any of the Classes listed in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). Consequently, environmental impact assessment is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The third party appeal is made by the occupiers of the property to the south of the appeal site. The appeal states that none of the observations submitted to the planning authority were considered and submit the same grounds here:
- Parent permission. Applicant unaware that permission was granted for PA ref. TA180167. Breach of Wildlife Act 1976 and EU Habitats Directive as this development did not take account of bat habitats.
 - Impact on residential amenity. Development lies 80m from appellant's family property. Proposed development, with existing, will surround residencies by a

solar farm. Risk of further extensions. Industrial use. Light pollution (glint and glare). Noise.

- Public health. Public health risks and absence of public health risk assessment (TA180167). Risk of leukaemia from long term exposure to electromagnetic fields generated by the solar farm.
- Inadequate separation distance. Development is less than 200m from residential properties and therefore conflicts with class 56(b)(3)(b) of the Planning and Development Regulations 2008.
- Groundwater. Risk of contamination of groundwater by toxic chemicals in the event of damage (e.g. lighting strike). Risk to well water.
- Biodiversity. Effect of electromagnetic fields on orientation/migration of bats. Impact of light/heat, noise and EMF pollution on birds, horses and dogs.

7.2. Applicant Response

- 7.2.1. The applicant responds to the matters raised by the appellant. In the interest of brevity I refer to these in my assessment below. However, I draw the Board's attention to the applicant's request that the proposed development is not treated as a single planning unit, as indicated by the planning authority's second condition (no. 2a of the permission), as the solar farm granted under the parent permission may progress to construction in advance.

7.3. Planning Authority Response

- 7.3.1. The planning authority make the additional comments in response to the appeal:
- PA is satisfied that the issues raised by the appellant were addressed in the Planning Report (23rd September 2020).
 - The development accords with national, regional and local planning policy for renewable energy. The PA is satisfied that the development will not adversely affect the residential amenity of properties in the surrounding area by way of noise or nuisance nor adversely pact on public or environmental health, subject to the conditions of the permission.

- Requests the Board to uphold the position of the PA.

7.4. **Observations/Further Responses**

- None.

8.0 **Planning Assessment**

8.1. Having examined the application details and all other documentation on file, and inspected the site, and having regard to relevant planning policy and guidance, I consider that the main issues in this appeal are:

- Impact on residential amenity.
- Public health.
- Impact on biodiversity.
- Condition no. 2a of the permission.

8.2. The appellant also refers to PA ref. TA/180167, the 'parent' permission for the subject development. It is stated that the appellant's had no knowledge of the permission granted prior to purchasing the property in 2018. This matter and the concerns raised by the appellant in respect of the permitted development (health assessment, impact on bat habitat) lie outside the scope of the current appeal. However, public health and diversity issues are discussed below, as they have also been raised by the appellant in respect of the proposed development.

8.3. The appellant raises concerns regarding the risk of future development on the site. In response to the appeal, the applicant states that the development has been designed to optimise energy production on the site, for example having regard to inter-array spacing and setback from boundaries. It is argued that substantial amendments or changes to the scale of the farm would require additional lands beyond those available to the applicant and a subsequent planning application.

8.4. In order to ensure optimum productivity, solar panels need to be sited such that they do not overlap or overshadow each other. Therefore, I would accept that applicant's argument that there would be little potential for additional development within confines of the site. Any development on adjoining lands would require planning permission and an assessment of its merits at the time.

8.5. Impact on residential amenity.

- 8.5.1. In response to the appeal, the applicant acknowledges that the appellant's property lies <100m from the development. It states that there is no evidence of negative impact of any roof mounted solar panels on occupants and that technical guidance (Irish Solar Energy Association) indicates that it is possible to have solar developments in close proximity to residential properties without undue effects. It is argued that the applicant has deliberately ensured a 50m setback from residences of any solar panel or inverters across the site and a minimum of 100m from any transformer cabinet, that any adverse effects have been addressed under the various studies carried out (glint/glare, noise and visual) and refers to condition nos. 5 and 7 of the permission which require a post construction glint and glare assessment and augmentation of site boundaries, respectively. The applicant refers to the Class 56 of the Planning and Development Act 2000 (as amended) and states that this applies to exempted development and does not apply to the proposed development.
- 8.5.2. The appeal site lies c.80m to the north of the appellant's residential dwelling. Existing hedges and trees within the appeal site and adjoining the appellant's landholding, in particular to the north of the dwelling, substantially screen the property from the appeal site. In addition, hedgerow infill is proposed along the southeastern boundary of the appeal site, to the west of the appellant's property.
- 8.5.3. The proposed development solar panels are mounted on steel structures such that their maximum height is 3m. With the maturing of the additional hedgerow proposed along the south eastern boundary of the site, and having regard to the height of the hedgerows and mature trees which separate the appeal site from the appellant's property, I do not consider that the proposed development will detract from the residential amenity of the property.
- 8.5.4. Planning and Development Regulations 2008 introduce new Classes of renewable energy development into Part 1 of Schedule 2 of the exempted development provisions of the Planning and Development Regulations, 2001 (as amended). The separation distances and noise limits referred to in the second column of the Class infer that at the stated distances/level, adverse impacts will not arise, hence the inclusion of the development as exempted development. However, the provisions do

not apply to the subject development, as it is not proposed under the exempted development provisions but as a development which requires planning permission.

- 8.5.5. The Planning and Environment Report, section 9, assesses the likely impact of construction and operational noise on sensitive receptors in the vicinity of the site (Map 1), including the appellant's property, NSR02. The assessment defaults to a 'Low Background Noise' environment and applies the EPA's night time noise limits for such an area (Table 9-4) i.e. 35dB $L_{Aeq,T}$, as the development will be operation in night time hours during brighter months. It also refers to the NRA standards for temporary construction works (Table 9-3).
- 8.5.6. Construction noise is assessed on the basis of equipment to be used at different stages of the construction process. Maximum predicted noise impacts are shown in Table 9-8, with three dwellings affected by short term noise (NSR02, NSR03 and NSR07). However, impacts are based on multiple construction activities occurring at the construction boundary (worst case scenario), will be for a short period (3-4 days) and are well below the NRA's maximum permissible construction noise levels at the façade of dwellings (Table 9-3). Operational noise is predicted to arise from transformer cabins (5 no.) and inverters (26 no.), with cumulative effects of maximum operational sound power levels at sensitive receptors <25dB and therefore, negligible effect. Standard mitigation measures are set out in section 9.6.1, to be applied to the development via a Construction Environmental Management Plan.
- 8.5.7. Having regard to the forgoing, the nature of the proposed development and the conservative assessment carried out and the modest noise levels predicted, I do not consider that there is a risk of significant noise effects on the appellant's property, or others in the vicinity of the site.
- 8.5.8. Section 10 of the Planning and Environment Report deals with glint and glare (Figure 10-2 indicates the relative reflectivity of solar glass compared to other reflective surfaces). Sensitive receptors are identified in Map 1 of the report, with the appellant identified as 'OP1'. The assessment of glint and glare arising from the proposed development, in conjunction with the permitted solar farm, is summarised in Table 10-3. It identifies no impact on road users (R160 or R160), no or negligible effects for properties north of the site, very minor impacts for properties due east and south east of the site (up to 8 minutes/day) and potential reflectance for receptors due west

and southwest of the site, including OP1, with a theoretical potential for temporary after image effects, between 12 and 28 minutes/day for short periods between April and September. However, for each of these affected properties, the presence of existing screening is considered to reduce effects to negligible.

8.5.9. Having regard to the foregoing, the flat nature of the appeal site, the relative location of surrounding residential development and the presence of mature and substantial screening separating the appeal site from nearby receptors, I consider that the development is unlikely to give rise to significant effects of glint and glare. However, I would recommend that existing planting along the northern, eastern and southern boundaries is augmented, and additional planting is carried out along the western and southern eastern boundaries (where planting is weaker/absent, see photographs) to the satisfaction of the planning authority to further minimise effects (as per condition no. 7 of the permission).

8.5.10. Impacts on airfields are also considered to be negligible and I note that IAA have raised no objections to the development.

8.6. Public health.

8.6.1. The appellant raises concerns with regard to health effects arising from electromagnetic radiation from the solar farm and toxicity in the event of destruction of panels (lighting, loss of toxic materials and effects on water supply).

8.6.2. In response to the appeal, the applicant states that the solar panels will produce a maximum AC of 10kV, a voltage which is very low and widespread throughout the ESB distribution network where it delivers power to residential areas/businesses throughout the State. The appellant also points to the existing 600V, 10kV and 20kV overhead lines that cross the appeal site and refers to research carried out on electric and magnetic fields and the solar photovoltaic farms in particular, with no findings of adverse health effects outside of the site boundary (see Appendices D-F of appeal). With regard to toxicity, the appellant refers to the positive effect of the development on surface water runoff/sediment load and the low potential for toxicity through erosion or damage to PV panels.

8.6.3. Having regard to the low voltage output of the proposed solar farm, which is similar, to levels already present in the vicinity of the appeal site, and the information

provided by the applicant which supports assertions of rapid drop off of EMF strength from, issues regarding public health appear highly unlikely.

- 8.6.4. PV panels include materials which can be toxic to humans e.g. cadmium telluride and copper indium selenide. However, my understanding is that whilst the risks to health may arise during manufacture and disposal, once constructed panel contents are held in an insoluble solid matrix, which is not prone to degradation or to leaching. I note that the proposed development has an expected lifespan of 30 years indicating significant durability. Therefore, whilst public health issues are unlikely to arise during operation of the solar farm, I would recommend that the matter of maintenance and decommissioning is addressed by condition.

8.7. Impact on biodiversity.

- 8.7.1. The appellant asserts that the development will have an adverse effect on horses, dogs and a colony of bats living outside the house and close to outbuildings and that an assessment of effects on bat species is required.
- 8.7.2. Section 6 of the Planning and Environment Report deals with ecological impacts. In response to the appeal, the applicant refers to this and states that the development, which will not be producing electricity at night and which does not pose a threat to mobile species, including bats, and will have a positive impact on the biodiversity of the site. The applicant also refers to condition no. 14 of the parent permission, which requires that no external artificial lighting be installed or operated on the site without prior grant of permission.
- 8.7.3. Desk and field survey of the site was carried out by the applicant, with field surveys in August 2017 and May 2020. Habitats are indicated in Figure 6.2 of the Planning and Environment Report and comprise predominantly arable crops, hedgerows (with adjoining dry ditch/little sign of regular surface/groundwater flow), spoil and bare ground (access track) and ornamental/non-native shrub. A badger sett is identified on the northern boundary of the site, and further setts to the east of the site (in Phase 1 of the development). No plants of rare, threatened or endangered species were identified. In addition to badgers, habitat is considered to be suitable for common mammals and soprano pipistrelle. Common bird species were also identified overflying the site, with robin and chaffinch listed as Amber species on the

list of Birds of Conservation Concern in Ireland. Conservation value of ecological features are deemed to range from low to high local importance (Table 6-1).

- 8.7.4. The footprint of the proposed development will occupy primarily agricultural land (<1% of hedgerow will be lost) habitat loss is therefore considered to be not significant. Badgers could be disturbed by construction noise/activity. Ecological connectivity to watercourses is considered to be extremely limited (absence of watercourses/wet drainage ditches and direct connectivity) and impacts on aquatic ecology are considered to be not significant having regard to this and the low risk of sedimentation and pollution risk during construction (given the method of construction and absence of significant soil movements). During operation, significant positive effects are predicted with proposals to reseed the site with a species rich grassland mix and to manage the grassland by grazing sheep i.e. increase in diversity of vascular plants and therefore of diversity of invertebrates, birds and mammals. Possible benefits on bats and terrestrial mammals may also arise (not conclusive). Maintenance of the site will be regular but infrequent. It is considered therefore that disturbance impacts will not be significant. Barrier fencing will provide a 150mm clearance and allow passage of small mammals (but not deer). Cumulative effects, with the permitted solar farm are considered to be significant net positive effects at the site scale for habitats, flora, mammals, birds and other fauna. Mitigation and enhancement measures, including seeding with species rich grassland, mowing of setback areas to permit seed setting, hedgerow establishment, rejuvenation and management, are considered to provide additional net positive effects (section 6.5.1).
- 8.7.5. Having regard to the findings of the ecological impact assessment, the scale, form and nature of the proposed development, which will be constructed within the existing system of hedgerows, arrangements for additional planting, seeded and management of the site to enhance biodiversity and the distance and vegetation separating the appeal site from the development, I do not consider that the development is likely to have any adverse effect on animals or bats in the vicinity of the appellant's property or bats utilising hedgerows within the appeal site.

8.8. **Condition No. 2a of the Permission**

- 8.8.1. The proposed development is brought forward as the second phase of a permitted solar farm. Further, it is integrated with this permitted development, utilising the same grid compound and with a single arrangement for grid connection. I consider that it is appropriate, therefore, for the development to be considered as a single planning unit, unless otherwise agreed with the planning authority (which could allow for different phasing arrangements).

8.9. **Other Matters**

- 8.9.1. The applicant's Planning and Environment Report refers to geophysical and archaeological testing carried out in the appeal site and adjoining site (parent permission). Archaeological features are identified in the appeal site, just west of centre of site (Figure 7-8) and a circular exclusion zone (25m radius) is proposed in the area of the features. In section 7.6 reference is made to condition no. 18 of the parent permission which requires monitoring of groundworks by a suitably qualified archaeologist. In the interest of clarity I recommend that a condition be required to (a) identify and protect the buffer zone during the course of the construction works and (b) require the archaeological monitoring of groundworks within the appeal site and the preservation, recording and/or removal of any material, which the planning authority consider appropriate.

9.0 **Appropriate Assessment**

- 9.1. The application for the development includes an Appropriate Assessment Screening Report. It considers there will be no significant direct, indirect, secondary or indirect effects on any European site based on the negligible connectivity with European sites, absence of habitats for qualifying interests and limited extent of any pollutants due to construction method.
- 9.2. **European sites.** The appeal site lies c.500m to the south of the River Boyne and River Blackwater SAC (002299) and SPA (004232).
- 9.3. **Qualifying interests**

- River Boyne and River Blackwater SAC – Alkaline fens, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*, River Lamprey, Salmon and Otter.
- River Boyne and River Blackwater SPA – Kingfisher.

9.4. **Conservation objectives.** Conservation objectives for the two sites are generic:

- River Boyne and River Blackwater SAC – To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected:
- River Boyne and River Blackwater SPA - To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

9.5. **Potential significant effects.** The appeal site is physically removed from the River Boyne and would not give rise to effects of land take or disturbance. At the time of site inspection, water was apparent in field drains crossing the site. Under flow conditions, field drains are likely to drain to the River Boyne, as it lies within the catchment of the river and there is therefore limited connectivity to the river. Proposed works entail construction of internal access roads, construction grid compound, underground cabling and installation of solar panels. Works are generally removed from external boundaries (and field ditches), cover a modest area of ground (site, grid compound and internal roads) and make use of low impact technologies such that there is little risk of substantial contamination arising on site on site (e.g. increased contaminated or silt laden runoff).

9.6. Whilst connectivity may arise from migrating groundwater (e.g. accidental spills of petrochemicals), with the diluting and attenuating effects of soil and sub-soils, significant impacts on downstream water bodies are unlikely, even if pollution arise on site.

9.7. With regard to mobile species associated with the European sites, as stated by the applicant, habitat on site is not suitable for mobile species of conservation interest (Kingfisher, Otter).

9.8. **Evaluation of potential effects.** Having regard to the location of the appeal site, removed from the River Boyne and River Blackwater, limited connectivity between the site and River, absence of habitats on site for species of conservation interest and the nature of the proposed development and means of construction, notably the

construction footprint and construction method, it is unlikely that any significant effects on European sites are likely to arise.

- 9.9. **In combination effects.** The appeal site lies in a rural, and predominantly agricultural area. In combination effects are most likely to arise from the parent solar farm, permitted to the east of the site. It has been determined that this permitted development will not give rise to any significant effect on European site (lack of ecological connectivity and low impact nature of development). Any in-combination effects with the proposed development, are therefore unlikely.
- 9.10. **Appropriate assessment conclusion.** Having regard to the foregoing, I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. 002299 and 004232 or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10.0 Recommendation

- 10.1. I recommend that the Board grant permission for the proposed development.

11.0 Reasons and Considerations

- 11.1. Having regard to national policy and the provisions of the Meath County Development Plan 2013-2019 in respect of renewable energy, the location, nature and scale of the proposed development, including the temporary nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the biodiversity of the area or the residential amenities of nearby dwellings and would be acceptable in terms of public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>(a) The solar farm permitted under PA ref. TA/180167 and the subject development permitted here shall constitute a single planning unit with an output of 8MW unless otherwise agreed in writing with the planning authority.</p> <p>(b) The development hereby permitted shall comply with the conditions set out in the governing parent permission PA ref. TA/180167, except as may otherwise be required in order to comply with the conditions of this permission.</p> <p>(c) This permission and the governing parent permission shall expire on the 22nd day of May 2028.</p> <p>Reason: In the interest of clarity and having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.</p>
3.	<p>Prior to the commencement of development, the vehicular access, including visibility splays as indicated on layout plan drawing (Drawing No. 2) shall be implemented to the written satisfaction of the planning authority.</p> <p>Reason: In the interest of traffic safety.</p>
4.	<p>Traffic movements shall be restricted to a maximum of twenty (20) per day.</p> <p>Reason: In the interest of traffic safety.</p>

5.	<p>Prior to the commencement of development, a Construction Stage Traffic Management Plan shall be submitted to the planning authority for written agreement. This shall include arrangements for pre and post construction survey of the public road for a distance of 100m either side of the proposed access point and any necessary repair works.</p> <p>Reason: In the interest of traffic safety.</p>
6.	<p>(a) Prior to the commencement of development, a landscape plan shall be submitted to the planning authority for written agreement, showing augmentation of the vegetation on the northern, eastern and southern boundaries of the site and provision of vegetation along the western and south eastern boundaries.</p> <p>(b) All landscaping shall take place in the first planting season upon commencement of the development.</p> <p>(c) Landscaping and screening shall be maintained in accordance with the stated ecological mitigation measures.</p> <p>(d) Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of biodiversity, the visual amenities of the area, and the amenities of dwellings in the vicinity.</p>
7.	<p>The permission shall be for a period of 25 years from the date of the commissioning of the solar array.</p> <p>Reason: To enable the planning authority to review the operation of the solar array in the light of the circumstances then prevailing.</p>
8.	<p>For the duration of the development, solar panels shall be maintained in good order, to the satisfaction of the planning authority. Any panels that fail shall be removed in accordance with the construction and demolition management plan.</p>

	Reason: In the interest of public health and biodiversity.
9.	<p>i. Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, substation, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.</p> <p>ii. On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.</p> <p>Reason: To ensure the satisfactory reinstatement of the site on full or partial cessation of the proposed development.</p>
10.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
11.	Prior to the commencement of development, the applicant shall submit to the planning authority for written agreement:

	<ul style="list-style-type: none"> i. Detailed arrangements for the management of the biodiversity of the site over the operational phase of the development. ii. Arrangements for the protection of badger setts during construction and operation. iii. An annual report on the implementation and effectiveness of conservation and bio-diversity measures shall be submitted to the planning authority and kept on the public file. <p>Reason: In the interest of biodiversity and to conserve archaeological heritage of the area.</p>
12.	<ul style="list-style-type: none"> i. No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission, with the exception of emergency lighting for the electricity sub-station compound. The emergency lighting shall only be illuminated in emergency circumstances for the repair or maintenance of the substation. ii. CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road. iii. Cables within the site shall be located underground. <p>Reason: In the interest of clarity, visual and residential amenity, traffic safety and to allow wildlife to continue to have access to and through the site.</p>
13.	<p>Prior to the commencement of development, details of arrangements to identify and protect the archaeological exclusion zone during construction works, shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of clarity and conserve the archaeological heritage of the site.</p>
14.	<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>(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,</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 preservation, recording and/or 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>
15.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure satisfactory reinstatement of the site.</p>
16.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable</p>

<p>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.</p> <p>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.</p>

Deirdre MacGabhann

Planning Inspector

26th April 2021