



An
Bord
Pleanála

Inspector's Report ABP-311536-21.

Development	Solar PV energy development with total site area of 148 ha.
Location	Lands at Rogerstown, Smithstown, Calliaghstown, Pilltown and Ballymad, Drogheda, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	LB/201194.
Applicant	Solar Farmers Ltd (Part of the Energia Group).
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant	Solar Farmers Ltd.
Observers	Kieran Cummins Eco Advocacy CLG Julianstown and District Community Association CLG
Date of Site Inspection	4 May 2022.
Inspector	Mairead Kenny.

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	7
3.1. Decision	7
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	12
3.4. Third Party Observations	13
4.0 Planning History.....	16
5.0 Policy Context.....	16
5.1. Climate Action Plan 2021 – Securing Our Future.....	16
5.2. National Development Plan 2018 – 2027.....	16
5.3. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031	17
5.4. Meath County Development Plan 2021-2027.....	17
5.5. Natural Heritage Designations	19
5.6. EIA Screening	20
6.0 The Appeal	20
6.1. Grounds of Appeal	20
6.3. Planning Authority Response	21
6.4. Observations	22
6.5. Further Responses.....	24
7.0 Assessment.....	24
7.1. Principle of Development	24
7.2. Roads and Traffic.....	26

7.3.	Landscape and Visual Impact	28
7.4.	Glint and Glare	33
7.5.	Impact on Residential Amenity	34
7.6.	Archaeology and Architectural Heritage	35
7.7.	Biodiversity	37
7.8.	Hydrology and Flood Risk	38
7.9.	Other Issues	39
7.10.	Conclusion	41
8.0	Appropriate Assessment (AA)	42
8.1.	Appropriate Assessment (AA) Screening	42
	The Appropriate Assessment (AA)	49
8.10.	Appropriate Assessment Conclusion	51
9.0	Conclusions and Recommendation	52
10.0	Recommendation	53
11.0	Reasons and Considerations	53

1.0 Site Location and Description

- 1.1. The area in which the site is located is south-east of Drogheda town and north of the Julianstown junction of the M1. The topography is low-lying at an elevation of between 28m and 36m AOD and the land is dominated by agricultural uses and contains a scattering of one off dwellinghouses.
- 1.2. The stated area of the overall site is 148 ha, and it is split between three main parcels of land which I refer to as the western, central and eastern sites. The road network immediately adjacent the site comprises a mix of regional roads running north-south and centrally located within the overall site area is a local road known as Beabeg Lane.
- 1.3. The access to the western plot is from the R108 and to the central and eastern plot is from the R132. There is a much higher level of traffic along the R132. Beabeg Lane runs generally in a north to south direction and it is positioned between the western and central sites and serves agricultural and residential development as well as passive recreation functions.
- 1.4. The largest watercourse in the area is the River Boyne which flows in an easterly direction into the estuary at Drogheda to the north of the application site. The site lies within the Nanny subcatchment, and the main channel of the river Nanny is under 1km to the south of the site at its nearest point. To the north and east of the western and central sites is Painestown stream which connects with the river Nanny at a location to the south-east of the central site, between Julianstown and Laytown. The eastern site lies between tributaries of Betaghstown Stream which flows out to the coast at Bettystown. Within the site there is a system of internal field drains.
- 1.5. The overall defined site comprises 31 no. fields which are predominantly under tillage crops including rapeseed. Field sizes are generally medium and boundaries are defined by mature hedgerows. Other notable landscape features include individual houses of vernacular design and isolated features in the distance including a water tower which acts as a local landmark. The area is rich in cultural heritage assets including historic gardens and designed landscapes (HGDL) such as Smithstown House adjacent the entrance to the central site.

- 1.6. Adjacent the R132 and within a short distance of the entrances to the central and eastern sites is a concentration of commercial development.
- 1.7. The site it is traversed wayleaves which are associated with overhead electricity lines and which are shown on the application drawings.

2.0 Proposed Development

- 2.1. The development as revised by further information submitted to the planning authority on 14 July 2021 and accompanied by new public notices received on 9 August 2021 comprises the following:
 - A solar energy development spread over three distinct plots of land – the western site, central site and eastern site.
 - Development including solar arrays within part of all of fields numbered
 - 1, 2, 3, 4, 5 and 6 (western site)
 - 17, 18 and 19 (central site)
 - 20-27 inclusive and field 29 (eastern site).
 - Access to western site from R108 and to the central and eastern sites from R132.
 - 7 no. battery storage containers in field 2 – the remainder of this field is to be site of solar arrays and a large area identified for a substation to be subject of a future application.
 - MV power stations and client substation.
 - Screen planting, infill hedgerow and tree planting, earthen berms, other planting including wildflower meadow and using bird seed mix, placing of log piles and installation of bat boxes.
 - Internal access tracks, fencing, CCTV and other infrastructure including the location of 3 no. construction compounds.
- 2.2. The original submission to the planning authority as described in the planning application received on 2 September 2020 provided for similar development albeit of larger scale in terms of the number of solar arrays.

2.3. The application details submitted include:

- Planning Statement
- AA screening
- EIA Screening
- Design and Infrastructure Layout Drawings
- Volume 3 – Technical Appendices.

2.4. The application was subject to a request for further information relating to:

- The landscape capacity of the Nanny Valley and Coastal Plain (LCA 8 and LCA 7) and a justification for the site selection.
- EIA requirement .
- The proposed substation and grid connection may constitute SID.
- Representation of protected views .
- Conservation Officer concerns relating to the sensitive and archaeologically valuable landscape.
- Report of the Department of Culture, Heritage and the Gaeltacht (National Monuments) which requested an Archaeological Impact Assessment.
- Proposals to ensure compliance with Reg. Ref. SA120845 and in particular the removal of an adjacent agricultural entrance.
- Measures related to traffic safety including use of Beabeg Lane and glint and glare effects.
- Proximity of the proposed development to certain dwellings in the context of UK guidance and planning decisions.
- Duration of permission and operational duration.
- Anticipated maximum electrical output capacity.
- Review of the third-party submissions.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the reasons summarised below:

- Endanger public safety by reason of traffic hazard as the main access point to the eastern site adjoins an agricultural entrance which has not been blocked as required under conditions of reg. ref. SA 120845.
- The applicant has not demonstrated that the proposed development would not have a significant adverse effect on the Natura 2000 sites.
- Contravention of strategic policy LC SP1 and objective LC OBJ 1 of the development plan 2013 – 2019 and materially contravenes the stated policy and objective and, if permitted, in addition to other plans and supporting infrastructure (future substation) has the potential to result in a negative impact in particular on LCA 8 River Nanny Valley.

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. Executive Planner:

- The further information includes a significantly revised proposal reducing the development from 148 ha over 28 fields to 77.43 ha over 19 fields, a reduction of 48% in the overall area devoted to solar panels/infrastructure.
- Having regard to the extent of remaining development, the location of the proposed future substation within LCA 8, the sensitivities of LCA 8 which has the lowest development capacity of all 20 no. LCAs in the county the extent of current proposals, the recommendations and concerns raised in the reports of the Conservation Officer and Heritage Officer and the concerns and issues raised by the planning authority the remaining scale of the overall site has the potential to result in a negative impact on the landscape character of the area.

- The additional viewpoints numbered 12 to 16 are noted as is the applicant's point that viewpoint 11 represents the worst-case scenario views from this elevated location approximately 1.62 km east of the protected view 69. The applicant's response in sections 2.70 and 2.71 of the further information document is noted.
- The further comments of the Conservation Officer in response to the applicant's submission in sections 2.81 to 2.84 of the further information response document are set out and culminated in a recommendation to refuse permission.
- The response submitted by the applicant is deemed to have suitably addressed the issues raised and the recommended conditions of DAU (National Monuments) are noted.
- The applicant's response and the recommendations of the Transportation Department in the report dated 5 August 2021 are noted. Permission should be refused.
- The applicant's response relating to the request to demonstrate adherence to UK guidance relating to proximity of the proposed development to certain dwellinghouses is noted.
- In response to the request the applicant has provided a comprehensive reply to the third-party submissions which is contained in sections 2.112 to 2.149 of the further information response document. This addresses the issues raised under the headings of consultation, rural amenity, development plan, scale, proximity to residential receptors, property devaluation, impact on the local road network, potential flooding and impacts on the environment. The response is noted.
- The updated response of DAU (National Monuments) in the report of 30 July 2021 states no objection subject to conditions.
- It is considered that in the absence of the information set out in the report of the Heritage Officer, that the application is deficient in respect of the issue of Appropriate Assessment and that significant impacts on the Natura 2000 sites cannot be ruled out and permission should be refused.

3.2.3. Executive Planner's report of 23 October 2020:

- Landscape capacity has not been addressed in the submitted LVIA. LCA 8 it is an area where there is low landscape capacity, and which may not be suitable to cater for the proposed development and this should be addressed in a request for further information.
- The LVIA (viewpoint 11) is not from the correct location as identified in View 69 of the development plan.
- The development is acceptable in terms of potential flood risk.
- The Conservation Officer report in addressing archaeology and built heritage states that the application is insufficient and notes that the site may not be suitable for a solar development.
- With respect to Appropriate Assessment the comments of the Heritage Officer are noted. Further information is required. In the absence of this information the application is deficient in respect of the issue of Appropriate Assessment.

3.2.4. **Other Technical Reports**

3.2.5. Architectural Conservation Officer report of 18 August 2021 which addresses the further information response:

- The site context adjacent to protected structures, recorded and registered monuments, zone of archaeological notifications, landscape types and the policies of the Meath County Development Plan are noted.
- The site is considered to be unsuitable for a solar farm. This is an area of the highest landscape sensitivity, very high landscape character value with the lowest capacity for development in all of the county. The applicant has failed to submit any archaeological assessment, desktop and/or physical testing.
- The landscape strategy remains deficient, the plan is not to scale and it is impossible to make out what is to be planted at what location.
- The substation and subsequent service buildings, the positioning and detailed design of these buildings and the cumulative effect are not addressed as part

of this application and without this information one cannot assess the application.

- The applicant has failed to supply a visual impact assessment in relation to the record of protected structures and recorded and registered monuments adjacent. It is impossible to assess the effect that the proposed development would have on the Record of Protected Structures and Recorded and Registered Monuments. The written analysis on which the applicant relies for conclusions is noted.
- Permission should be refused.

3.2.6. Original report of Architectural Conservation Officer dated 7 October 2020:

- Sets out requirements for further information including a revised Landscape strategy and a Visual Impact Assessment in relation to Recorded Protected Structures and Recorded and Registered Monuments.
- The suitability of the site is queried.
- The location of the proposed future substation is very exposed and in a highly sensitive landscape and its design and scale are questioned.

3.2.7. Heritage Officer Final Report:

- The issues raised in the original report are outstanding and have not been addressed in the applicant's response to further information.

3.2.8. Heritage Officer Original Report dated 20 October 2020:

- Following a review of the EclA it is considered that insufficient effort has been made to assess the impact on fauna.
- The habitat survey was undertaken at a sub optimal period.
- Further information is required in relation to bat survey and breeding bird survey. The EclA notes the potential impact for bird species from disturbance.
- Following a review of the AA Screening report it is considered that there is not sufficient information to enable the authority to reach a conclusion on the Appropriate Assessment. Particular reference is made to impacts on special conservation interests of River Nanny and Shore Estuary SPA 1.95km south

east of the site and on River Boyne Estuary 2.9km north of the site. The latter should address disturbance at construction and operation phase and use of birds by the proposed site or adjacent lands, if any, during the overwintering period.

- The policy relating to landscape as set out in the development plan and in the Meath Landscape Character Assessment (page 49-54) refer. Both LCAs have low potential capacity to accommodate development.

3.2.9. Transportation Department Final Report:

- The applicant's proposal to lock the gate at the access point is unacceptable and the development on the eastern site should be refused
- The access points should be modified to ensure that vehicles do not veer into the oncoming traffic lane to access the development as is demonstrated in the revised swept path analysis.
- The applicant confirms that the L-161113-0 will not be required for access.
- The glint and glare assessment for the local road L-161113-0 determined that there will be no impact for users of the road.
- Permission should be refused, or clarification of further information requested.

3.2.10. Transportation Department Original Report:

- At the eastern site it is proposed to use a new access point permitted under SA120845. Closure of an existing adjacent agricultural entrance is required.
- HGV traffic must cross onto oncoming traffic lane to access the western and central sites which could create a traffic hazard.
- The impact of the proposed development on the public road L-161113-0 adjacent the entire western boundary of the central site and the crossing of vehicles between the central and western site has not been assessed.
- Pre-and post-construction survey for distance of 200 m in either direction from each access point is required. The applicant shall be responsible for all costs and a refundable bond is recommended. The operational traffic is not significant.

- Further information is recommended.

3.2.11. Environment Report dated 20 October 2020 recommends conditions:

- CEMP.
- WMP.
- Dust not to exceed 350mg/m²/day at site boundaries during construction.
- Measures to control and prevent spillages and noise levels.
- Glint and glare mitigation measures to be implemented as per report of 9 April 2020.
- Vibration.
- Complaints register.
- Waste management.

3.2.12. Aaron O'Callaghan Report:

- This development is classified as a highly vulnerable development under the Flood Risk Guidelines. The site is in Flood Zone C - the probability of flooding is low risk. Following review of the site-specific flood risk assessment submitted I have no objection to the development.

3.2.13. Fire Service Department Report:

- A fire safety certificate application is required under Part II of the Building Control Regulations for each individual building. Active and passive fire protection systems will be examined in more detail at that stage.

3.3. Prescribed Bodies

3.3.1. Meath County Council notified the following external bodies of the application:

- Development Applications Unit (DAU) in Department of Culture, Heritage and the Gaeltacht
- Dublin Airport Authority
- Irish Aviation Authority
- ESB Business Service Centre

- An Taisce
- Environmental Health Service.

3.3.2. Development Applications Unit - Department of Culture, Heritage and the Gaeltacht
Final Report:

- The undertaking of geophysical survey at the reduced area of the proposed development is noted. A number of subsurface archaeological features and likely archaeological features identified would require specific measures to mitigate impacts. The Department sets out a recommendation in relation to archaeological testing as a condition.

3.3.3. Development Applications Unit - Department of Culture, Heritage and the Gaeltacht
Original Report:

An Archaeological Impact Assessment is required.

Screening for Appropriate Assessment is required if this has not been undertaken.

3.3.4. Dublin Airport Authority has confirmed that it has no comment.

3.4. Third Party Observations

Two rounds of observation relating to the proposed development were received by the planning authority. I have set out a brief summary of the main issues addressed.

Type and location of renewables

This type of development is more suited to rooftop locations and brownfield sites. There is already one large permitted solar development at Duleek, and no further large developments should be allowed. The development will take good agricultural land out of use.

Other forms of renewables are more efficient and suitable.

Legal and procedural

Contrary to the SEA Directive in the absence of a plan or program.

Procedural issues include the description of the site location as Glenamoy and failure to upload application documents and letters of consent.

Lacks clarity with respect to the expected lifespan.

Development Plan and Related

Inadequate response to matters set down in the development plan which are relevant to solar developments. Criteria for assessments not met.

Contrary to the development plan.

Premature pending the identification of a preferred route for the Julianstown bypass.

JUL OBJ 20 under the draft County Development Plan requires that all new development respects the scale, form and character of the village.

The planning authority is very strict, even at the level of a dwellinghouse design. This area has been deemed to be unsuitable for commercial development.

Health and environmental effects

This type of development brings adverse environmental and health effects including by reason of materials used and waste disposal.

Health and environmental concerns relating to the MV power stations, and the risks associated with the energy battery storage and the nature of the transmission of electricity and whether it will be overhead or underground.

Construction and operational noise and air impacts.

Residential amenity

Inadequate setback of panels from houses. The substation location 95m from our garden boundary is totally unacceptable.

Residential amenity impacts in general.

Mitigation by tree planting will serve only to block views from houses.

CCTV cameras will interfere with our privacy.

Views from the upstairs levels will be impacted.

The ancillary development including the battery storage and the power stations would impact adversely.

Impacts related to the operational phase.

Visual and Heritage

The area is of immense importance to our local history and national history including Piltown House, Colpe Monastery and Bru na Boinne.

The visual and heritage impact insufficiently assessed. There will be a permanent adverse visual impact on the landscape and on items of cultural heritage value.

The planting of hedgerows to conceal security fencing and installation of the development will reduce the amenity of Beabeg Lane.

Excessive development when taken in conjunction with the water tower and facilities at Platin.

Adverse impacts on tourist related activities, sightseeing and countryside enjoyment.

Safety

Possible visual impacts to aircraft, including nearby small airport.

Unclear whether there is capacity to deal with a fire at the solar installation.

Biodiversity

Hazard for migratory birds - east coast is an important migratory area.

Area is rich in birdlife which will be adversely impacted. The species present include nesting buzzards, sparrowhawk, barn owl, yellowhammer and swallows and starlings.

Use of lands by badger, frogs and bats – these protected species will be impacted.

Other

Limited community benefit and inadequate community consultation.

Will exacerbate existing drainage problems in this area.

Use of herbicides will impact water supply.

The proposed substation needs to be taken into account.

Devaluation of property.

Revised proposal

The reduced land area of the proposed development is an attempt to deceive the community as regards the size of the development. If the proposed development is permitted an extension will follow.

The further information response has not addressed the matter of more suitable sites.

The revised application still takes in land surrounding my property and that of my neighbours.

Adverse landscape impacts are not ameliorated by the revised proposal.

Considerable impact on protected structures and archaeological remains.

Further details are presented with respect to a number of issues, notably cultural heritage.

4.0 Planning History

Under PL17.248028 the Board upheld the decision of the planning authority to grant permission on a site 0.5km to the south of the eastern site within LCA 07 and in the townland of Julianstown East. The net area devoted to solar panels was stated to be 11 hectares.

Under ABP-310255 the Board approved an application under by Meath County Council under section 177AE for a traffic scheme in Julianstown village extending a distance of over 2km.

5.0 Policy Context

5.1. Climate Action Plan 2021 – Securing Our Future

- 5.1.1. The Climate Action Plan 2021 aims to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and to put Ireland on a path to reach net-zero emissions by no later than 2050. This is in line with the commitments in the Programme for Government and set out in the Climate Act 2021. Measures include increasing the proportion of electricity from renewable sources by up to 80% by 2030.

5.2. National Development Plan 2018 – 2027.

- 5.2.1. NSO 8 sets out the 'Transition to a Low Carbon and Climate Resilient Society' – this is the national objective of achieving transition to a competitive, low carbon, climate-

resilient and environmentally sustainable economy by 2050. New energy systems including solar are supported.

5.2.2. The role for rural areas will be to continue to significantly contribute to the energy needs of the country. National renewable energy generation will, for the most part, need to be accommodated on large tracts of land that are located in a rural setting, while also continuing to protect the integrity of the environment and respecting the needs of people who live in rural areas.

5.2.3. NPO 55 sets out the objective of promoting renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.

5.3. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031

5.3.1. County Meath lies within the Eastern Strategic Planning Area. The Strategy supports an increase in the amount of new renewable energy sources in the Region, including solar.

5.3.2. RSO 8 sets the objective of building climate resilience.

5.3.3. RSO 9 supports the transition to low carbon and clean energy.

5.3.4. The role of rural areas in energy production is emphasised and supported. This includes a role for large scale solar photovoltaics and solar thermal, both on buildings and at a larger scale on appropriate sites.

5.4. Meath County Development Plan 2021-2027

5.4.1. ED POL 19 is to support and facilitate sustainable agriculture, agri-food, horticulture, forestry, renewable energy and other rural enterprises at suitable locations in the County.

5.4.2. MOV POL 32 is to ensure the protection of the existing roads infrastructure while improving the capacity and safety of the road network to meet future demands.

5.4.3. MOV POL 41 is to refer all planning applications for Solar PV arrays within a 15km radius of Dublin Airport to the IAA.

- 5.4.4. MOV OBJ 71 relates to the submission of Glint and Glare Assessment for applications within 15km of airports for Solar PV arrays.
- 5.4.5. INF OBJ 28 is to ensure that proposals for development of solar farms in Flood zones A or B are subject to site specific flood risk assessment in accordance with the Flood Risk Management Guidelines.
- 5.4.6. Chapter 6 includes a number of policy supports for renewable energy including INF POL 34 and 35 and INF OBJ 39 and 41.
- 5.4.7. Solar energy is identified in Section 6.15.3.1 and the range of available options for exploiting this energy form are listed. Large scale solar farms have been permitted in Meath at 20 no. sites as of May 2019.
- 5.4.8. HER OBJ 28 is to discourage development that would adversely affect the character, the principal components of or the setting of historic parks, gardens and demesnes of heritage significance.
- 5.4.9. HER POL 27 relate to the protection, conservation and enhancement of the county's biodiversity and HER POL 28 to the integration into the development management process the protection and enhancement of biodiversity and landscape features where possible by minimising adverse impacts and including mitigation and / compensation measures as appropriate.
- 5.4.10. HER OBJ 33 relates to the requirements for Appropriate Assessment.
- 5.4.11. HER POL 52 is to protect and enhance the quality, character, and distinctiveness of the landscapes of the county in accordance with the national policy and guidelines and the recommendations of the Landscape Character Assessment (2007) contained in Appendix 5, to ensure that new development meets high standards of siting and design.
- 5.4.12. HER OBJ 49 is to ensure that the management of development will have regard to the value of the landscape, its character importance, sensitivity and capacity to absorb change as outlined in Appendix 5 Meath Landscape Character Assessment and its recommendations.
- 5.4.13. HER OBJ 56 is to preserve the views and prospects listed in Appendix 10, volume 2 and on Map 8.6 and to protect these views from inappropriate development which would interfere unduly with the character and visual amenity of the landscape.

5.4.14. Listed view 69 is from the county road at Bellewstown to the north-east. The view is designated as being of regional importance and is described in Appendix 10 as follows:

Extensive north-eastward view to sea, Mourne Mountains and horizon north of Boyne. View encompasses a settled landscape with industry, infrastructure, settlement and sea to the east. Views to north and east most important.

5.4.15. RUR DEV SO 7 is to promote the continuing viability of agriculture and other rural based enterprises.

5.4.16. Chapter 11 sets out the development management standards. DM OBJ 76 refers to the criteria to be considered in individual energy development proposals and DM OBJ 77 specifically addresses solar energy and outlines requirements for planning applications, which includes a list of relevant assessments.

5.4.17. Table 5.1 includes 'R132 Julianstown Bypass Examine the feasibility and thereafter if appropriate progress the design and delivery of a preferred option'. The table is referenced under MOV OBJ 49 as including reserving the corridors of any such proposed routes free of development which would interfere with the provision of such proposals.

5.4.18. Specific objectives for Julianstown village also include urban design policies.

5.5. Natural Heritage Designations

5.5.1. The nearby Natura 2000 sites are

- River Boyne and Blackwater SAC (Site Code 002299)
- River Nanny Estuary and Shore SPA (Site Code 004158)
- Boyne Estuary SPA (Site Code 004080)
- Boyne Coast and Estuary SAC (Site Code 001957)
- River Boyne and River Blackwater SPA (Site Code 004232)
- Clougher Head SAC(Site Code 001459).

5.5.2. River Nanny Estuary and Shore SPA overlaps with Laytown Dunes / Nanny Estuary pNHA.

5.5.3. Boyne Coast and Estuary SAC partly overlaps with Boyne Coast and Estuary pNHA.

5.6. EIA Screening

5.6.1. Schedule 5 of the Planning and Development Regulations 2001 (as amended), sets out Annex I and Annex II projects which require an Environmental Impact Assessment Report (EIAR). Development of a class included in Part 1 lists projects subject to mandatory EIA. Development of a class included in Part 2 is subject to thresholds and may require EIA. Solar farms are not listed as a class of development under either Parts 1 or 2 of Schedule 5.

5.6.2. I consider that submission of an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appeal sets out a response to the reasons given by the planning authority.

6.1.2. Responding to reason 1:

- The applicant under reg. ref. SA120845 has complied with the stipulation under the separate planning application and has fenced off the access point to ensure that no agricultural vehicles can utilise the access points during development of the proposed solar farm thereby eradicating any potential vehicles blocking of sightlines and/or creating a traffic hazard on the R132. Evidence of compliance provided in Appendix B.

6.1.3. Responding to reason 2:

- A detailed stage I AA screening was submitted to the planning authority but for the purposes of the appeal a NIS is presented as Appendix 2. This concludes that having regard to the nature and design of the proposed development, the potential impacts on the qualifying features will not be significant. The proposed development will not result in likely significant adverse effects on the integrity of European sites.
- The appeal also addresses the other concerns highlighted in the Heritage Officer report. These refer to the need for a bat survey and a breeding bird

survey. The submitted habitats survey is appropriate. A range of suitable measures are presented.

6.2. Responding to reason 3:

- The proposed development has been designed to not significantly impact the landscape character, quality and local distinctiveness of both LCAs and to not significantly impact the uniqueness of the landscape character types and the visual integrity of areas of exceptional value and high sensitivity. Due to the design iterations undertaken, the enclosed nature of the site and the additional mitigation planting the visual integrity of, and uniqueness of the landscape will be maintained and therefore objective LC OBJ 1 has been complied with. The careful and considered design of the project as well as the nature of the application site will ensure that LC SP1 of the development plan as varied is also complied with.

6.2.1. A number of rigorous environmental and technical assessments were undertaken to ensure compliance with all relevant planning and associated legislation with appropriate mitigations and enhancements. The applicant has also significantly reduced the scale of the overall development. The proposed development will not result in unacceptable impacts and any limited harm that may occur is well outweighed by the many benefits associated with the scale of renewable energy that will be provided.

6.3. Planning Authority Response

6.3.1. The planning authority response states:

- The planning authority is satisfied that all matters outlined in the appeal submission were considered in the course of this assessment and refers to the internal reports in support.
- The submitted NIS is a matter for the Board to determine whether or not the appeal submission has fully addressed Reason 2.
- The proposed development as presented is not considered to be consistent with the proper planning and sustainable development of the area and permission should be refused.

6.4. Observations

6.4.1. Julianstown and District Community Association CLG:

- The 2021 development plan comes into effect on 3 November 2021 and contains no specific objectives related to the application site or which support the proposed development at this location.
- JUL OBJ 12 is to examine the feasibility and progress the design and delivery of a preferred option for the Julianstown Bypass.
- JUL OBJ 18, JUL OBJ 19, JUL OBJ 20 all refer also – relating to implementation of the Julianstown Village Design Statement, objectives to protect and enhance the distinctive character of the villages buildings and landscape, and to ensure that all new development respects the scale, form and character of the village.
- The Board is invited to ensure that the proposal complies with the policies and objectives. Permission should not be granted for development that may be on the preferred route for the bypass. The route is under much greater constraints than a solar farm development which can be located elsewhere.
- The proposed bypass would comprise much needed public infrastructure and the application is premature pending the identification of a preferred option for the bypass and given that there is a specific objective for the bypass it ought to be given precedence.

6.4.2. Kieran Cummins Eco Advocacy CLG

6.4.3. The main points of the observation are:

- The area of land which is proposed to be covered with solar panels being 91.9 ha is of most concern. Existing roof space and other forms of renewable energy should be utilised before use of a finite agricultural land.
- Solar energy is intermittent, not dispatchable and inherently unsustainable and needs to be backed up with fossil fuel. The sector is driven by grant incentives and pressure on the national grid. All solar applications must be suspended until a proper analysis of solar energy is conducted having

regard to SEA, landscape character, health and safety audits, infrastructure, grid connection etc and in the absence of guidelines for solar energy.

- The development would have a high carbon footprint. The amount of aggregate and other materials used for the construction should be set out.
- The requirement that the assessment under the Habitats Directive not have lacunae is noted.
- The grid connection must be considered having regard to various other applications and each of these developments must be considered together in view of the O Grianna judgement.
- The landscape needs to be respected. The tourist potential of the area needs to be assessed including with respect to walking and other recreational activities and cultural heritage
- There will be an adverse impact on local property prices.
- There will be limited construction phase employment and employment thereafter will be not significant.
- Traffic related airborne pollutants will arise in the construction period. The source of aggregates and haul routes need to be taken into account.
- The Board will have to assess the issue of run-off and the possibility of metals/contaminants.
- A list of cases relevant to the Habitats Directive and EIA Directive and the ECJ are listed and summarised. It is questioned whether the SEA directive has been complied with and asked that the Board satisfy itself that it is complied with.
- Large solar farms pose a particular hazard for migratory birds and the east coast of Ireland is in the flightpath of many species in this respect. A number of documented occurrences are referenced.
- Is the applicant equipped to deal with a fire at a solar installation? Issues which may arise from different hazards including shock or electrocution, faults and arc flash are described.

- Permission should be refused.

6.5. Further Responses

In response to the Board's request by letter of 27 October 2021 the applicant presented advertisements and information relating to site notices in the context of the submission of the NIS as part of the appeal.

7.0 Assessment

I consider that the main issues in this appeal can be considered under the following headings:

- Principle of Development
- Roads and Traffic
- Landscape and Visual Impact
- Glint and Glare
- Impact on Residential Amenity
- Archaeology and Architectural Heritage
- Biodiversity
- Other issues
- Appropriate Assessment.

7.1. Principle of Development

- 7.1.1. National support for renewables energy is clear, consistent and well established. The Climate Action Plan 2022 sets ambitious targets to increase the proportion of renewable electricity. The NPF includes the core objective to transition to a low carbon and climate resilient society. This will include the need to deliver new energy systems harnessing the potential of national resources including solar. NPO 55 specifically promotes renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives.

- 7.1.2. The support at regional policy level is articulated in the RSES objectives RSO 08 and 09 which support the building of climate resilience and the transition to low carbon and clean energy. Solar is seen to have a role in the renewable energy production sector as is set out in section 7.9. This includes ‘the use of ... solar photovoltaics and solar thermal, both on buildings and at a larger scale on appropriate sites in accordance with National policy and the Regional Policy Objectives outlined in this Strategy’. There are also specific regional policy objectives which support renewable energy production being located in rural areas.
- 7.1.3. The development plan includes policies supporting renewable energy. ED POL 19 specifically references a range of activities which will be supported and facilitated in rural areas including sustainable agriculture, agri-food, horticulture, forestry, renewable energy and other rural enterprises. This references specifically also that these enterprises will be supported ‘at suitable locations’. The development plan contains explicit support for solar energy including in section 6.15.3.1 and notes that large-scale solar farms have been permitted at twenty sites as of May 2019.
- 7.1.4. I consider that there is policy support at national, regional and local level for the proposed development based on the policies set out above. I comment briefly on the impact on agricultural lands.
- 7.1.5. Third parties have made a range of comments which address the suitability of the selected site for large-scale solar development and which comment on the need to protect lands for agricultural use. With respect to the latter point no specific objectives pertaining to the use of these lands is contained in the development plan. In addition, the applicant has made it clear that only a small portion of the site (3.26%) will be disturbed and that in operation the applicant would encourage small animal grazing or other use of the site such as for bee keeping and environmental enhancement. In the absence of a national policy to divert this type of development away from good quality agricultural lands and having regard to the proposed multi-purpose use of the lands during operation I do not consider that an objection to the proposed development for reason of impact on agricultural lands is sustainable.
- 7.1.6. In principle I consider that the development complies with national, regional and development plan policy which supports the development of renewable energy including largescale solar PV.

7.2. Roads and Traffic

- 7.2.1. I consider that there are two significant issues relevant to roads and traffic: the proposed Julianstown Bypass and secondly Reason 1 of the decision of the planning authority.
- 7.2.2. I comment also on the wider issues pertaining including the context for construction traffic.

Julianstown Bypass

- 7.2.3. The observation submitted by Julianstown and District Association CLG states that the proposed development is premature pending the delivery of the Julianstown Bypass which is now included in the adopted development plan. The draft Meath County Development Plan contained objective JUL POL 12 , to examine the feasibility and progress the design and delivery of a preferred option for the Julianstown Bypass in conjunction with relevant stakeholders. This draft development plan would have been in place at the time of the making of the response to further information in July 2021 and the matter was referenced in the original submissions to the planning authority and noted in the original planner's report. The applicant did not comment on this issue in the response to further information document. The observation of Julianstown and District Association CLG has not been circulated to the applicant. I am satisfied that it does not raise new issues as the matter of concern was raised in submissions to the planning authority and is in the public realm.
- 7.2.4. Regarding the location of the development relative to the line of any future R132 Julianstown Bypass observers state that it cannot be ruled out that the proposed solar farm if permitted might conflict with potential route options. The centre of the village of Julianstown is less than 1.5km south of the access road to the central site. However, the village is small and relatively compact. I consider that it is highly unlikely that any bypass would extend to the site and for this reason I do not consider that a refusal of permission is warranted.
- 7.2.5. The wording of the development plan does not provide clear and unambiguous support for the bypass project but does commit to an examination of its feasibility. However, it is one of only 5 no. bypasses within the county which is identified on Map 5.2 of the development plan. It is important that any potential route be

protected. In the event that the Board decides to grant permission it may be appropriate to first refer the appeal to TII and to circulate any response to the applicant for comment to ensure that the maximum available information is obtained and that all parties have had an opportunity to state their case.

Reason 1

- 7.2.6. Reason 1 of the decision of the planning authority is to refuse permission based on potential conflicts with an existing entrance, the closure of which was required under a previous permission. As part of the appeal submission the relevant landowner has provided photographs which shows that the former entrance is now fenced off with a timber panel structure and a letter confirming that it will remain locked. A more permanent closure would be provided by a block wall – this cannot be addressed by condition as the subject entrance lies outside the defined site boundary.
- 7.2.7. In the context of available enforcement powers which requires that the entrance be permanently secured, the adoption of a construction traffic management plan and the limited operational traffic, the reason cited appears to me to be excessive notwithstanding the function of the regional road and its heavily trafficked nature.
- 7.2.8. I conclude that Reason 1 of the decision of the planning authority is adequately addressed by the installation of the timber fence.

Other issues

- 7.2.9. As described in the application documentation which includes a Construction Traffic Management Plan (Technical Appendix 5 – Volume 3) the construction phase traffic will focus on the three construction compounds which are intended to serve each of the sites and to be accessed strictly from the regional roads (R132 and R108) and not from the L-16113-0 Beabeg Lane. The haul route to the construction compounds is by way of the Julianstown junction on the M1 and regional roads and the daily maximum deliveries to each construction compound will be 10 HGV and up to 30 staff vehicles in total over the PDS at peak construction. The applicant's submissions also examine details of the turning manoeuvres and entrance sightlines and requirements for pre and post construction surveys. Section 5.41 of the Construction Traffic Management Plan sets out mitigation measures which Meath County Council recommends be adopted as conditions and other matters are identified in the RFI as being suitable for conditions. A noteworthy revision which was submitted as part of

the RFI revises the swept path from the access to the central site so that construction vehicles would not veer into the oncoming traffic lane, and I would recommend that the detail of this entrance be highlighted in planning conditions.

Conclusions

- 7.2.10. Subject to my comments relating to the R132 Julianstown Bypass I consider that the development subject to conditions would be acceptable in terms of traffic and transportation issues and that the proposed development would not give rise to a traffic hazard or lead to significant congestion or disruption to road users.

7.3. Landscape and Visual Impact

- 7.3.1. I note that the Board has previously permitted a solar farm development within LCA 07 Coastal Plains under PL17.248028, in accordance with the decision of the planning authority. As the subject development comprises three plots of land and is interconnected in terms of the supporting infrastructure, I consider it appropriate to evaluate the three plots as a single development notwithstanding that the eastern plot is located in a less sensitive landscape (LCA 07) which the Board has previously determined to be a suitable site for this type of development. With reference also to the potential precedent value of the permitted development within LCA 07 I note that scale of the current proposal is significantly larger. The extent of area devoted to solar panels under the permitted development is similar to that proposed at the eastern site in the subject appeal.
- 7.3.2. Reason 3 of the decision of the planning authority was that the proposed development as presented, materially contravenes the stated policy and objective and, if permitted, in addition to other planned supporting infrastructure (future substation) has the potential to result in a negative impact on the landscape character of the area and, in particular LCA 8.
- 7.3.3. Reason 3 references Strategic policy LC SP1 and LC OBJ 1 of the development plan, which were in force at the time of the decision. LC SP1 outlines the general strategic objective of 'protect the landscape character, quality, local distinctiveness of County Meath in accordance with relevant government policy and guidelines and the recommendations including in Meath Character Assessment (2007) in Appendix 7'. LC OBJ 1 is 'to seek to ensure the preservation of the uniqueness of all landscape

character types, and to maintain the visual integrity of areas of exceptional value and high sensitivity’.

- 7.3.4. In the above I have highlighted the basis for reason 3 of the decision of the planning authority. The current development plan reiterates the objectives to protect and enhance the quality, character, and distinctiveness of the landscapes of the county in accordance with the national policy and guidelines and the recommendations of the Landscape Character Assessment (2007) and to ensure that new development meets high standards of siting and design. There is also an objective to ensure that the management of development will have regard to the value of the landscape, its character, importance, sensitivity and capacity to absorb change as outlined in Appendix 5 Meath Landscape Character Assessment and its recommendations.
- 7.3.5. The site falls within two LCAs. LCA 08 Nanny Valley is of Very High value and Medium sensitivity and Regional importance. It is centred on the Nanny River but also includes a large area around the R108 and Beabeg Lane and extends over the western and central sites. LCA 07 Coastal Plains is of Moderate landscape value and High sensitivity and Regional importance. It is relevant to the eastern site, where the largest area of the development is to be located.
- 7.3.6. The Nanny River corridor is described as being undeveloped, undisturbed and of high ecological value. The landscape description includes particular reference to the enclosed well wooded river corridor which contains mixed woodland and to the estuary. The history and culture is described as including long established mixed scale farmland. Forces for change include lack of hedgerow management leading to continued degradation and some loss of wooded hedgerow and potential extensive residential development at Julianstown. The recommendations which are relevant include maintaining the integrity of the farming landscape and encouraging landowners to maintain estate parkland, avenues of mature parkland trees, boundary walls and hedgerows, maintaining the current mix of land uses namely wetland, rough grassland, farmland, woodland and scrub and encouraging maintenance of hedgerows and other features. With respect to the potential capacity of the landscape to accommodate new development this is generally deemed to be low and particular reference is made in this section to altering the natural character of the river, being out of scale with the small scale and nature of the river corridor and potential for visual impacts on the river. The types of development relevant in terms

of 'low capacity' includes large modern farm buildings, new road development and one off houses and also extends to biomass development, commercial forestry and even underground services. Although there is no explicit reference to commercial solar farm development, I consider it reasonable to interpret the Landscape Character Assessment as including low capacity in LCA 08 for this type of development.

7.3.7. Within LCA 07 Coastal Plains the Landscape Character Assessment describes the landscape primarily in terms of the coastal features and the River Nanny and estuary with reference also to views to the coastline. The area is described as being characterised by scrubby rolling lowland near the coast interspersed with stands of pine. In terms of the key characteristics the land use is described as including a mix of small – medium rough pasture fields and the description of the ecology and habitat includes the Boyne estuary, overgrown scrappy hedgerows, mature broadleaf woodland adjacent to estuaries and pine stands and long continuous coastline and some wetland. The history and culture includes long established mixed scale farming and estate lands. The forces for change include future housing, transport and other uses, lack of hedgerow management and extensive development of the coastline. There is a low to medium capacity for development within LCA 07 Coastal Plains.

7.3.8. I am in agreement with the applicant's comment that the development is planned to be sited away from the more sensitive valley site and coastal landscapes within LCA 07 and LCA 08. However, the designation covers a wide area, and the development plan policies apply to that wider area. Having regard the assessment presented in the LCA and the relevant extracts provided above, I consider based on the LCA that it may be concluded that there is very limited capacity for development of commercial solar energy projects in LCA 08 but also in LCA 07. Based on the LVIA submitted and having regard to the nature of the development and its extent over a wide area I consider that it may be concluded that the development cannot be assimilated within this sensitive landscape and is not in compliance with development plan policy. I agree with the conclusion presented in the LCA following the analysis undertaken that the capacity to absorb new development is very limited and although there is no detailed reference to largescale solar, I consider that this applies to development of the scale and type proposed.

- 7.3.9. The policy specifically cited in the decision of the planning authority also references the protection and enhancement of the quality, character, and distinctiveness of the landscapes of the county and the need to ensure that new development meets high standards of siting and design. It is reasonably achieved in relation to the western and eastern plots. There would be a beneficial effect through the reinforcing of hedgerows. In addition, for the most part the western and eastern plots are positioned away from public roads and comprise only a few fields. However, I consider that the introduction of solar panels within the fields in lieu of cereal / rapeseed crops will reduce the distinctiveness of the landscape and cannot be described as resulting in protection and enhancement of its quality and character. I note the proposals to strengthen the field boundary system and the absence of change to field sizes and the siting of solar arrays based on the existing field system. Nevertheless, the proposed development would result in significant landscape change involving the replacement of agricultural lands and a pastoral character with an industrial form of development.
- 7.3.10. In my opinion based on the submitted documentation and following site inspection, the proposed development contravenes the development plan policies related to landscape and visual impacts. I do not consider that the proposed mitigation including the strengthening of hedgerows can adequately mitigate the proposed development.
- 7.3.11. With respect to the landscape and visual impact arising from the future substation this development is likely to be considered by the Board as a strategic infrastructure development and while an indicative site location is indicated the substation is not before the Board. On this basis I conclude that the matter of cumulative impacts arising falls to be considered under the future application and should not be included in the determination of this appeal, insofar as it relates to the substation. I am unconvinced that cumulative impacts arise due to other existing or permitted development in the area. I therefore reject the reason set out by the planning authority insofar as it relates to cumulative impacts including future development such as the grid connection infrastructure.
- 7.3.12. I note that the observers have referenced future expansion of the area allocated to solar PV development. My conclusions with respect to the grid connection are relevant to any future expansion of the solar farm overall – that development is not

before the Board at this time and there is no role for the Board in considering any possible future impacts. I would comment however that the scale of the ancillary infrastructure including the site reserved for a future substation and battery storage is significant relative to the area devoted to solar panels under the revised scheme. I agree with the planning authority comment that the development is piecemeal. I consider that the efficiency of use of lands is questionable.

7.3.13. Regarding the visual effects I refer to the photomontages presented which I consider capture a suitable selection of viewpoints and provide an accurate representation of the proposed development. With respect to the protected views I am satisfied that there would not be a significant adverse effect on the protected view taking into account the distance, the expansive landscape visible and the planned mitigation in the form of hedgerow strengthening.

7.3.14. With respect to residential receptors, I am satisfied that the visual effects can be readily mitigated but only in respect of near views from ground and garden levels. The likelihood of impacts on some residential receptors from upper floors and distant views cannot be ruled out based on the information provided.

7.3.15. I agree with the conclusions of the planning authority as set out in the technical reports that the assessment has not adequately addressed the landscape and visual impact on named cultural heritage resources in the area. I revert to this matter in more detail below.

7.3.16. There is no indication that there are any amenities of regional importance which would be impacted in any way by the proposed development. Beabeg Lane in particular is of rural character and no doubt is valued as a walking route in the locality. The revised proposal which is subject of this appeal omits much of the development at Beabeg Lane and as such the objections made are not all relevant to the appeal under consideration. During inspection it was evident that other roads in the vicinity of the proposed development are heavily trafficked and would not be regularly used for recreational walking or cycling. I conclude that the proposed development would not detract from the area's active recreational amenities, including use of Beabeg Lane by local residents for walking and other pursuits.

7.3.17. To conclude, I consider that the development is unacceptable by reason of the significant landscape change and the policies pertaining in the development plan.

The LCA objectives for the area which are brought through to the adopted policy in the development plan emphasise parkland management and provide for very limited new development. It is appropriate in the interest of landscape protection and sustainable development that the plan led approach set down in the Landscape Character Assessment and supported by the development plan is followed in the selection of sites for largescale solar developments. I consider that the proposed development is inappropriately sited, is piecemeal and is not in accordance with the proper planning and sustainable development of this area.

7.4. Glint and Glare

7.4.1. Technical Appraisal TA6 presents a Glint and Glare Assessment which was supplemented by Appendix K of the RFI to include potential effects on Beabeg Lane. The document considers the potential impacts on ground-based receptors and aviation assets. Solar reflections were deemed possible at residential and road receptors within the 500m study area. No impact on rail drivers or railway infrastructure or is predicted and there are no aerodromes within sufficient proximity to warrant a detailed assessment.

7.4.2. The assessment undertaken identifies a potential high impact at 21 residential receptors, a medium impact at 4 no. residential receptors and a low impact at 12 residential receptors but when the actual visibility is taken into account this is reduced to high impact at 2 no. residential receptors and no impact at other residential receptors. The potential for road receptors to be impacted was identified at 18 receptor points but on review any impact at 17 no. of these road receptors was discounted. 7 no. potential road receptor points were identified along Beabeg Lane but on inspection none of these were actually relevant.

To mitigate the actual effects of glint and glare on residential and road receptors the mitigation measures planting of new hedgerows, filling in hedgerow gaps and maintenance of hedgerows is proposed. During site inspection I noted that some of the hedgerows are continuous, intact and likely to provide a degree of screening and mitigation from glint and glare effects. Other hedgerows are sparse and contain lengthy gaps. The conclusion presented is that following mitigation there would be no impact on any receptor. I consider that this conclusion is reasonable. I consider that the assessment undertaken is sufficient and appears to be in line with best practice

and undertaken by an appropriate specialist. The reports of the planning authority recommend follow up surveys to which the applicant has no objection. I consider that this recommendation is reasonable and appropriate as it will ensure long-term mitigation and I have drafted a condition accordingly. Subject to implementation of the applicant's mitigation measures and the recommended condition the proposed development is acceptable in terms of glint and glare.

7.5. Impact on Residential Amenity

- 7.5.1. I have already concluded that the proposed development would not significantly adversely affect the views from residential dwellinghouses including by glint and glare effects. The remaining issues relevant to residential amenities relate to the potential for noise and disturbance from the construction and operation of the development. Privacy effects have also been referenced by observers.
- 7.5.2. There is potential for impacts on residential amenities during the 12-month construction phase due to noise and dust. The nature of the construction involved is such that it will be based on simple techniques and can be mitigated to ensure impacts are minimised. In this respect the submitted Outline Construction Environmental Management Plan sets down some parameters including adherence to BS 5228, best practice with respect to the operation of plant and restriction on delivery times. It is envisaged that noise complaints will be subject of remedial action if required. Standard methodology relating to the control of dust and dirt is presented. I am satisfied that subject to finalisation of a Construction Environmental Management Plan there is no likelihood of significant environmental effects on local residents during construction.
- 7.5.3. The potential for operational noise impacts is assessed under Technical Appendix 7 and in relation to the proposed development as described in the original application. The assessment considered 57 residential receptors to ascertain potential for effects from the power stations inverters and transformers and the battery storage containers. The noise assessment provides for a worst-case scenario by assuming full time operation and allowing for attenuation of noise by the arrays. The results of the modelling prediction is that noise impact will be low, meaning a change not exceeding 5 dB above background level. I accept the basis for, and the conclusions of the noise impact assessment undertaken and consider that there is no likelihood

of any significant noise impacts. The development will result in a low impact during night-time and will adhere to the Night Noise Guideline Value. I agree with the conclusion presented in the planning authority reports and consider that any issues can be addressed by condition.

- 7.5.4. I do not consider that the installation of CCTV in itself should result in concerns relating to privacy subject to a condition that the cameras' orientation is towards the site.
- 7.5.5. The operational maintenance will be restricted to occasional visits of short duration which would not detract from residential amenities in my opinion.
- 7.5.6. I conclude that the development is acceptable in terms of the impact on residential amenities.

7.6. Archaeology and Architectural Heritage

- 7.6.1. Following the undertaking of an Archaeological Impact Assessment including a geophysical survey as submitted as an addendum to the original AAHIA the recommendation of DAU is that archaeological testing should be undertaken, and that this can be dealt with as a planning condition. The prescribed body's report refers to the presence of subsurface archaeological features and likely archaeological features identified, which would require specific measures to mitigate impacts. It is suggested that this mitigation might involve adjustment of the layout of the panels and site infrastructure to avoid disturbance of the subsurface archaeological features of features that would be impacted. I support the conclusions of the prescribed body and consider that the recommended mitigation can be addressed by a standard condition.
- 7.6.2. The first party assessment of architectural heritage has been prepared following site inspection and desktop research. The further information response relied on the ZTV and the written assessment presented and did not provide further detailed assessment. The significant architectural heritage in this area includes 23 Historic Gardens and Designed Landscapes within a 5km radius of the site and 5 no. protected structures within 2km. The NIAH listing of buildings within 2km includes some buildings of religious function and vernacular architecture and structures. A full listing is provided in Appendix3B.

- 7.6.3. In general, I consider that the type of assessment undertaken is suitable. The AAHIA determines whether or not the relevant asset would be within the Zone of Theoretical Visibility of the proposed development. For each of the relevant assets there is a description of the locations from which the proposed development would be visible and some information presented with respect to the remaining buildings and landscape features present. The written report presented goes on to assess and indirect effects arising and for each asset. However, in the absence of more detail on some of the houses and landscapes it is difficult to understand the basis for the conclusions drawn. To take the example of Smithstown House which may be indirectly and directly impacted by the proposed development; its significance is not clearly defined in accordance with the criteria in Table 1 Appendix 3B and there is no evidence of internal inspection. In addition, while the original core of the HGDL is stated to be compromised it is not clear to what extent this could be reversed by the removal of farm buildings. It is possible that there are no issues in respect of these cultural heritage assets but in the absence of adequate information it is difficult to make a judgement on the effects and to understand the basis for the AAHIA conclusion that the indirect effects are anticipated to be Low. I consider that similar conclusions may be drawn in relation to some locations close to / within other heritage assets identified in the AAHIA. I note that the Conservation Officer of MCC considers in conclusion that in the absence of a visual impact assessment targeting cultural heritage resources, it is impossible to assess the effect of the development on these monuments. I agree with the conclusion drawn.
- 7.6.4. In the event that the Board is minded to grant of permission the applicant could be requested to update the landscape and visual impact assessment to include significant demesne landscapes and a more detailed assessment of individual assets and if such assessment draws a finding of adverse effects an amendment of the scheme might be appropriate.
- 7.6.5. To conclude I am not satisfied in the absence of more information relating to the significance of the heritage assets and the detail of the visual effects that the proposed development would not have significant indirect effects on architectural heritage. The archaeological impact is acceptable subject to conditions.

7.7. Biodiversity

- 7.7.1. Biodiversity is assessed in the Ecological Impact Assessment (EclA). I have considered the EclA, which is based on field survey on 25 and 26 March 2020 and a review of desk study and I report below on a number of matters.
- 7.7.2. *Bats* The Heritage Officer of MCC expressed concern relating to the assessment of impacts on bats. The ground level assessment of trees undertaken did not reveal bat roost potential. It is not indicated in the applicant's submissions that a full survey was undertaken and there is no evidence of specialist expertise being applied. The habitat on site is described as sub-optimal and its loss will not lead to a significant reduction in foraging habitat for local bats. The maintenance of 5m buffer around hedgerows, drainage ditches and trees will ensure limited disturbance to bat species. In the appeal submission the applicant notes that given appropriate design solar farms do not result in significant effects for bats and can have a positive net benefit for bats. In this particular case no trees are proposed to be removed and only minimal hedgerow removal will occur. The design incorporates 5m buffers to ensure that the features of foraging and roosting are protected. By employing the measures set out in the Biodiversity Management Plan there is likely to be an increase in prey for foraging bat species resulting in a significant positive effect upon bats.
- 7.7.3. I consider that the above is acceptable in the context of detailed design of the proposed development including the minimal impact on hedgerows, absence of impact of trees and the proposed buffer zones.
- 7.7.4. *Badger and other mammals* Badger activity has been recorded on site and sett entrances identified, some of which may be active. I consider that the proposed mitigation in the form of pre-construction badger survey is sufficient to ensure no significant adverse impacts on this species. If necessary, there are legal avenues such as derogation licences which could be pursued. There has been no sightings of other notable or protected mammals. I note the comments relating to otter.
- 7.7.5. *Breeding birds* While suitable habitat for breeding birds is acknowledged in the EclA there is no indication of specific survey. I note the Heritage Officer considers that there is inadequate survey of birds despite the acknowledgement by the applicant that there may be disturbance to birds. In relation to the farmland species likely to be present I consider that having regard to the minimal impact on hedgerows and the

measures set out in the Biodiversity Management Plan together with statutory provisions, there is no likelihood of significant adverse impacts. This conclusion takes into account the mitigation set out in paragraphs 2.65 to 2.66 of the EclA relating to bird surveys and avoidance of works in certain circumstances in the breeding season and to the habitat enhancement measures. This conclusion is not relevant to birds which are special conservation interests of Natura sites.

- 7.7.6. *Rare flora and invasive species* No notable or invasive flora species was recorded although surveys were not undertaken at the optimum period. I consider that a suitable condition could be drafted to ensure a follow up survey prior to commencement and revision of the scheme if necessary to avoid any area occupied by rare flora and ensure no spread of invasive species, if present.
- 7.7.7. To conclude, excluding Appropriate Assessment issues, I consider that biodiversity impacts can be dealt with by condition.

7.8. **Hydrology and Flood Risk**

- 7.8.1. The applicant's submissions as relevant to potential for impacts on water include Technical Appendix 4 'Flood Risk and Drainage Impact Assessment' and the OECMP. The potential for construction and operation phase impacts including flood risk is considered below. In terms of this topic the most significant infrastructure is the access and site tracks involving a total area of approximately 28,700 m² and smaller areas devoted to the construction compounds 60 m x 50 m. The proposed development will involve small, direct impacts from piling.
- 7.8.2. With respect to the potential for contamination of surface or groundwater during construction, I note the inclusion in the OECMP of a range of relevant guidance with respect to the prevention of pollution, undertaking of works near water, oil storage and refuelling. The applicant also commits to the undertaking of all excavation and earthworks in accordance with best practice, the basis for which measures set out in the OECMP. It is proposed to include an environmental monitoring program and to record the results and stored on site for the construction period. Emergency spill response measures will be put in place for the construction period and the basis of these is outlined. I agree with the applicant's submission that installation of solar panels will not result in significant impacts on water flow and water quality due to the

small area involved and the lack of contamination and nature of the soils and geology. I am satisfied that the measures outlined are necessary in the context of the scale of the development. In the context of the nature of the development and the site conditions I am satisfied that the application of standard methodology as outlined will ensure that there are no significant effects on water quality including as a result of construction.

- 7.8.3. The operational phase site drainage will include maintenance of the existing on-site drainage features and construction of subway channels within the site to accommodate run-off to mitigate the minor increase in the impermeable area. I do not consider that there is any evidence to support the observers' comments relating to surface water pollution related to the chemicals used in the manufacture of the solar panels and other infrastructure.
- 7.8.4. The proposed development includes elements which would be classified under the Flood Risk Guidelines as 'essential infrastructure'. The submitted Flood Risk Assessment indicates that there is no risk of pluvial, fluvial or coastal flooding and a low risk of groundwater flooding. I consider that the information is provided by the applicant to support these conclusions. I also accept that the development involving small individual buildings and infrastructure which is spread over a wide site is not likely to increase flood risk at other lands having regard to the ground conditions and the nature of the development and the drainage proposals.
- 7.8.5. Having regard to the limited scale of the development the proposals for site drainage I consider that there is no potential for significant impacts on hydrology, including flood risk.
- 7.8.6. I conclude that the development is acceptable in terms of flood risk and impacts on ground and surface waters subject to implementation of the mitigation measures presented.

7.9. Other Issues

- 7.9.1. I comment below on the following :
- Material contravention provisions
 - SID

- Duration of permission and operation duration
- Property devaluation
- Consultation
- Fire safety.

7.9.2. *Material contravention provisions* I note that the wording of the decision of the planning authority specifically states that the proposed development materially contravenes the stated policy and objective and, if permitted in addition to supporting infrastructure namely the substation has the potential to result in a negative impact in particular on LCA 8 River Nanny Valley. In the absence of an explicit statement with respect to solar farm developments the Board may be reluctant to conclude that the proposed development materially contravenes the development plan policy. The LCA policy is stated to include an assessment of the potential capacity of the potential capacity of the landscape to accommodate renewable energy developments. I consider that this objective is met with respect to wind energy but less so with respect to the solar sector. I would therefore caution against the use of the word ‘material’ in any reason for refusal as it has specific legal implications.

7.9.3. If the Board considers that the proposed development does materially contravene the development plan and is minded to grant permission having regard to other policy objectives, it would be precluded from granting permission in the circumstance where the planning authority has refused permission unless one of the limited criteria set out under 37(2)(b) of the Act is met.

My comment in this regard are:

- In my opinion the development of a solar energy development of this scale would not be considered to be of strategic or national importance.
- There are no conflicting objectives or objectives which are not clearly stated.
- The development is not necessary to meet regional planning objectives or other obligations
- The pattern of development in the area is unaltered and no significant relevant permissions have been granted since the adoption of the 2021-2027 development plan.

- 7.9.4. *Strategic Infrastructure* As part of the further information response the applicant states that the subject solar farm development is not strategic infrastructure and that the future grid connection would be subject of an application to the Board under strategic infrastructure development provisions. I do not consider that there is a requirement including in the context of the O’Grianna judgement for consideration of the future grid connection or substation development under this appeal.
- 7.9.5. *Duration* I consider that the proposed 10-year duration requested for the permission is overly lengthy and would not appear necessary. A 35-year operational duration appears reasonable in the context of increased knowledge relating to the durability of the proposed infrastructure.
- 7.9.6. *Property devaluation* With respect to property devaluation and in relation to which estate agent submissions were provided, subject to appropriate mitigation including by condition and the maintenance of suitable distances and provision of landscaping I do not consider that the proposed development would lead to property devaluation at a level as to warrant a refusal of permission.
- 7.9.7. *Public consultation* With respect to public consultation, it appears to me that the legal requirements were adhered to. The appointment of a community liaison officer would mitigate concerns relating to public consultation during construction.
- 7.9.8. *Fire safety* Third party submissions relating to future fire safety response are noted. In acknowledging receipt of the planning application, the applicant was advised of requirements under the Building Control Regulations including for a Fire Safety Certificate for certain types of development and the need to obtain same prior to commencement of development. There is no role for the Board in this matter.

7.10. **Conclusion**

- 7.10.1. I consider that the proposed development constitutes a form of development which is piecemeal, which would give rise to adverse impacts on the landscape and cultural heritage assets of the area, and which does not comply with the development plan policies and is not in accordance with the proper planning and sustainable development of the area.

8.0 Appropriate Assessment (AA)

8.1. Appropriate Assessment (AA) Screening

Compliance with Article 6(3) of the Habitats Directive

- 8.1.1. The requirements of article 6(3) of the Habitats Directive, as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act, 2000 (as amended) are considered fully in this section.

Background

- 8.1.2. The original planner's report noted the concerns set out in the Heritage Officer report of 20/10/2020 relating to the Appropriate Assessment Screening Report. The Heritage Officer's view that the Screening was not sufficient in the context of potential for disturbance of birds on the site and adjacent lands during construction and operation of the development. The relevant bird species are special conservation interests of River Nanny and Shore Estuary SPA and Boyne Estuary SPA. The Heritage Officer's recommendation to request further information on this matters appears to have been omitted from the request for further information although that request did include an invitation to respond to third party submissions.
- 8.1.3. In the absence of further information the decision of the planning authority on the application included as reason 2:

Based on the lack of sufficient information submitted with the application and having regard to the location of the application site proximate to the River Nanny and Estuary Shore SPA (Site Code 004158) and the Boyne Estuary SPA (Site Code 004080), it is considered that the application has not demonstrated that the proposed development would not have a significant adverse effect on the Natura 2000 sites. The proposed development would, therefore, be contrary to policy NH POL 5 of the Meath County Development Plan 2013-2019, the 'Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities 2009' and the proper planning and sustainable development of the area'.

Applicant's Screening statements under application and appeal

8.1.4. The Screening Report presented in Volume 1 of the application documentation concluded:

‘The proposed development was screened for potential significant adverse impacts upon Natura 2000 sites within 15km of the site boundary. It has been assessed that due to the nature and design of the proposed development, the distance from the Natura 2000 sites, the dilution factor, and standard best practice measures, no significant effects will occur for the qualifying habitats and species of the SAC and SPA. It is considered that even in the absence of best practice measures, the proposed development will not result in any adverse effects on the integrity of Natura 2000 site in view of its conservation objectives. In accordance with the precautionary principle, this conclusion has been reached in the absence of any consideration of mitigation measures, to avoid or reduce any significant effect which may be applied during the construction and operational phases of the development. It can therefore be concluded, that the proposed development will not lead to a significant adverse effect upon any of the Natura 2000 sites within the study area.

It is therefore considered that the next stage of the Appropriate Assessment is not required .’

8.1.5. . As part of the appeal the applicant has submitted a Natura Impact Statement dated 20 September 2021. The NIS does not contain a formal screening section or statement but in effect this is dealt with in Chapter 5 of the document. The conclusions of the original screening report are revised in this NIS based on connectivity between the site and a number of nearby Natura 2000 sites.

8.1.6. The NIS brings forward the following European sites to stage 2:

- River Boyne and Blackwater SAC (Site Code 002299)
- River Nanny Estuary and Shore SPA (Site Code 004158)
- Boyne Estuary SPA (Site Code 004080)

8.1.7. The NIS excludes the following from stage 2 on the basis of lack of connectivity:

- Boyne Coast and Estuary SAC (Site Code 001957)
- River Boyne and River Blackwater SPA (Site Code 004232)

- Clougher Head SAC(Site Code 001459)

Screening for Appropriate Assessment – Test of Likely Significant Effects

8.1.8. The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

8.1.9. The proposed development is examined in relation to any possible interaction with European sites designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European site(s).

Brief Description of the Development

8.1.10. In summary, the solar farm which is the subject of this planning application (as revised) comprises:

- A solar energy development spread over three distinct plots of land – the western site, central site and eastern site.
- Development includes arrays within part of all of fields numbered
 - 1, 2, 3, 4, 5 and 6 (western site)
 - 17, 18 and 19 (central site)
 - 20-27 inclusive and field 29 (eastern site).
- Access to western site from R108, to central and eastern sites from R132.
- 7 no. battery storage containers in field 2 – the remainder of this field is to be site of solar arrays and a large area identified for a substation to be subject of a future application.
- MV power stations and client substation.
- Screen planting, infill hedgerow and tree planting, earthen berms, other planting including wildflower meadow and using bird seed mix, placing of log piles and installation of bat boxes.
- Internal access tracks, fencing, CCTV and other infrastructure including the location of 3 no. construction compounds.

8.1.11. The development site comprises fields improved agricultural grassland and fields under cereal crops including rapeseed. The fields are bounded by relatively mature hedgerows and treelines with associated drainage ditches. The surface waters on and near the site include Painstream River which discharges to the River Nanny and Betaghstown Stream which goes to the coast at Bettystown.

Potential Impact

8.2. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, I consider that the following are relevant for examination in terms of implications for likely significant effects on European sites:

- Habitat loss/fragmentation– direct and indirect effects including from species disturbance, replacement of agricultural land with the proposed development and also the spread of invasive species.
- Construction-related – uncontrolled surface water/silt/construction related pollution
- Hydrological impacts to water quality in the operation phases.

Submissions and Observations

8.2.1. The submission of the Department of Culture, Heritage and the Gaeltacht to the planning authority recommends that Screening for Appropriate Assessment be undertaken.

8.2.2. Observers raise issues which are indirectly relevant to the undertaking of Appropriate Assessment but are not explicitly set out in that context in the submissions. This would include the potential for increased intensity of stormwater flow resulting in the need for careful management to prevent scouring, erosion and contamination and protect stormwater management systems and reference to particular chemicals used in solar modules and which are associated with the environmental and health issues.

8.2.3. It is also claimed that large solar farms frighten birds and pose a particular hazard for migratory birds. The east coast of Ireland is in the flightpath of many species in this respect. A number of documented occurrences are referenced.

European sites with potential pathways to proposed development

8.2.4. The development site can be considered to be in the vicinity of the River Nanny and Estuary SPA, Boyne Coast and Estuary SAC and SPA and the River Boyne and River Blackwater SAC and SPA. The other European site within 15km of the proposed development were considered by the applicant to be appropriate for consideration and these are shown on Figure 2. This would include Clogher Head SAC.

8.2.5. A summary of European Sites that occur within 15 km of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified this is referenced and the relevant pathway of potential impact is described. Where there is no pathway the European site can be eliminated from further consideration and this is noted.

Table of European Sites Within the Zone of Influence of the Proposed Development

European Site (code)	List of Qualifying Interest (QI) / Special Conservation Interest (SCI)	Distance from PDS (km)	Connections (source, pathway, receptor)
River Nanny Estuary and Shore SPA (Site Code 004158)	Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Herring Gull (Larus argentatus) [A184] Wetland and Waterbirds [A999]	under 1.5 km to the south of the PDS	There is a pathway from the PDS to this European site by way of Painestown Stream to the River Nanny and potential for pollution of habitats within the SPA on which the special conservation interests are dependent. Potential for <i>ex situ</i> impacts related to noise / disturbance or loss of habitats used by birds.
Boyne Estuary SPA (Site Code 004080)	Shelduck (Tadorna tadorna) [A048]	3km to the north	There is a pathway from the PDS to this European site by way of Betaghstown Stream to the coast

	<p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Turnstone (Arenaria interpres) [A169]</p> <p>Little Tern (Sterna albifrons) [A195]</p> <p>Wetland and Waterbirds [A999]</p>		<p>and potential for pollution of habitats within the SPA on which the special conservation interests are dependent.</p> <p>Potential for <i>ex situ</i> impacts related to noise / disturbance or loss of habitats used by birds.</p>
River Boyne and River Blackwater SAC (002299)	<p>Alkaline fens [7230]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior [91E0]</p> <p>River lamprey [1099]</p> <p>Salmon [1106]</p> <p>Otter [1355]</p>	3km to the north of the PDS	There is potential for ecological connectivity between the PDS and this European site.
River Boyne and River Blackwater SPA (004232)	Kingfisher [A229]	under 6km to the north-west of western site	There is no likelihood of connectivity between the PDS and this European site.
Boyne Coast and Estuary SAC (Site Code 001957)	Estuaries [1130]	3km to the north of the PDS	There is potential for ecological connectivity between the PDS and this European site.

	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>		
Clogher Head SAC	<p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>	11.3km to the north	There is no potential for ecological connectivity between the PDS and this European site.

Identification of Likely Effects

- 8.3. The conservation objectives of the Natura 2000 sites are as per documents published by the National Parks & Wildlife Service (NPWS) and published on the relevant website.
- 8.4. I consider that likely direct, indirect, or secondary impacts of the proposed solar farm development on European sites relating to the following Natura sites cannot be ruled out based on the table above:
- River Nanny Estuary and Shore SPA (Site Code 004158)
 - Boyne Estuary SPA (Site Code 004080)
 - River Boyne and River Blackwater SAC (002299)

- Boyne Coast and Estuary SAC (Site Code 001957)

Mitigation Measures

- 8.5. No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.
- 8.5.1. Screening Determination
- 8.5.2. The proposed development was considered in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, I conclude that the project individually (or in combination with other plans or projects) could have a significant effect on European sites River Nanny Estuary and Shore SPA (Site Code 004158), Boyne Estuary SPA (Site Code 004080), River Boyne and River Blackwater SAC (002299) and Boyne Coast and Estuary SAC (Site Code 001957) in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

The Appropriate Assessment (AA)

- 8.6. The requirements of article 6(3) as related to appropriate assessment of a project under Part XAB, section 177V of the Planning & Development Act, 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:
- Compliance with article 6(3) of the EU Habitats Directive
 - The Natura Impact Statement (NIS) and associated documents
 - Appropriate assessment of implications of the proposed development on the integrity of each European site.

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

- 8.7. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent

authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

- 8.8. The proposed development is not directly connected to or necessary for the management of any European site and therefore is subject to the provisions of article 6(3).

The Natura Impact Statement (NIS)

- 8.9. The appeal submission includes a 'Natura Impact Statement' (NIS) prepared by NEO Environmental Limited dated 20th September 2021, which examines and assesses potential adverse effects of the proposed development on 6 no. European sites within a 15km radius of the site.
- 8.9.1. I have examined the NIS presented and for the reasons set out below I consider that it does not provide sufficient basis for the undertaking of an Appropriate Assessment in this case.
- 8.9.2. In terms of the overall adequacy of the NIS and the information available my primary concern relates to the information on the baseline conditions and use of the proposed development site by special conservation interests of two nearby SPAs. I note that the field surveys described in paragraphs 4.8 to 4.10 of the NIS reference the extended phase 1 habitat survey, undertaken for the purposes of the EclA. This was undertaken on 25th to 26th March 2020 by Dara Dunlop whose qualifications and experience are set out in paragraph 2.8. There is no indication in the NIS (or EclA) of any other of any other ecological surveys and other times and no evidence that there was available specialist ornithological expertise for the purposes of preparing the NIS. In this regard I also refer to the EclA including the surveys described in chapter 4 (paragraphs 2.6 to 2.8). I have also had regard to the Statement of Authority in Chapter 2 of the EclA (paragraphs 2.11 to 2.14) which notes the experience and expertise of the ecologists engaged. In conclusion, I am not convinced that there has been adequate baseline information compiled or suitable expertise engaged for the purposes of preparing the NIS having regard to the circumstances of this case. There is in particular no evidence that the extensive site has been subject of surveys to determine its value, if any, in terms of the special conservation interests of the two nearby SPAs.

8.9.3. I now refer to the fact that both the EclA and NIS acknowledge that there may be use of the proposed development site by special conservation interests of the SPAs. Table 2-9 in the EclA indicates the potential for species to be within the application site based on the NBDC including species which are special conservation interests of the relevant European sites. In the case of the assessment undertaken for the River Nanny and Estuary and Shore SPA reference is made to the suitability of the arable lands in general for foraging and a particular wetland area within the eastern site is described as providing suitable habitat for the wetland species for which the SPA is designated. There is also acknowledgement of the use by SCIs of other habitats including inland sites and grasslands. In general, in the assessment of this Natura site the approach relies heavily on the availability of more favourable habitats and on the extended phase 1 habitat survey. As there is no detailed information relating to the 148-hectare site and no evidence that appropriate bird surveys were undertaken I do not consider that it can be concluded that the habitats on site can be dismissed in terms of their relevance to the status of the species.

8.9.4. In addition to the inadequate baseline surveys, I note that there are also a number of errors in the NIS including the site description on page 6 of the NIS, which is completely unrelated to the site of the proposed development. Given these significant errors it is difficult to have confidence in the information submitted in the NIS.

8.10. **Appropriate Assessment Conclusion**

8.10.1. Having regard to the limited extent and the nature of the field surveys undertaken, the ecological expertise involved and the inaccuracies in the documentation, I conclude that the NIS presented is not adequate and cannot be relied on. It does not meet the tests set out in the Habitats Directive as the requirement for best available scientific information is not met.

8.10.2. Having reviewed the documents and submissions, I am not satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

- River Nanny Estuary and Shore SPA (Site Code 004158)

- Boyne Estuary SPA (Site Code 004080)
- River Boyne and River Blackwater SAC (002299)
- Boyne Coast and Estuary SAC (Site Code 001957)

8.10.3. This conclusion is especially relevant to the two SPAs in the absence of adequate bird surveys and in view of the statements presented relating to the possible use of the site by species which are special conservation interests of the SPAs and having regard to the large scale and the proximity of the proposed development site.

8.10.4. I am unable to ascertain with confidence that the project would not adversely affect the integrity of these European sites.

8.10.5. Having regard to my overall recommendation, I do not recommend that a revised NIS be sought.

9.0 Conclusions and Recommendation

9.1. The proposed development is partly located in located in LCA08 Nanny Valley, a landscape of Very High value and Medium sensitivity and Regional importance and partly in LCA 07 Coastal Plains is Moderate landscape value and High sensitivity and Regional importance. It is reasonable to conclude that there is low capacity or low to medium capacity for largescale solar energy developments in these landscapes under the terms of the Landscape Character Assessment.

Notwithstanding the reduced scale of the proposed development and the proposed mitigation involving strengthening of hedgerows, I consider that a development of this scale and widespread extent would result in significant landscape change which would be negative in character.

9.2. I consider that there is a lack of clarity about the need for the battery storage (which is part of the proposed development) or the extent of the lands reserved for the substation (to be subject of a future application) in the context of the reduction in the area of the PV panels. The proposed development constitutes piecemeal development entailing substantial proposals for ancillary infrastructure spread over three parcels of land and across an agricultural area 3km in width.

- 9.3. For the reasons set out in the paragraphs above I consider that the proposed development is not in accordance with the proper planning and sustainable development of the area.
- 9.4. I agree with the conclusion drawn by the planning authority that submission of an NIS is necessary as concluded in the screening undertaken above. The NIS submitted with the appeal does not provide sufficient information for the Board to complete an Appropriate Assessment. In particular I am not satisfied that the information presented in relation to birds is adequate, but I am also of the opinion that the document in its entirety is substandard. By reason of the lack of evidence of engagement of expertise relevant to the issues, the inadequate nature of the baseline information and errors contained in the NIS I do not consider that the Board can have confidence in the conclusions drawn.

10.0 Recommendation

- 10.1. I recommend that the Board uphold the decision of the planning authority to refuse permission for the reasons and considerations below.

11.0 Reasons and Considerations

1. HER POL 52 of the Meath County Development Plan 2021-2027 is to protect and enhance the quality, character, and distinctiveness of the landscapes of the county in accordance with the national policy and guidelines and the recommendations of the Landscape Character Assessment (2007) contained in Appendix 5, to ensure that new development meets high standards of siting and design.

The proposed development would be sited in landscapes of very high value with low capacity for development including LCA 08 Nanny Valley. It is considered that by reason of its nature, scale and location the proposed development would constitute a piecemeal form of development which would be inappropriately sited, would fail to protect and enhance the landscape character and would set an undesirable precedent.

HER POL 27 of the Meath County Development Plan 2021-2027 is to discourage development that would adversely affect the character, the principal components or the setting of historic parks, gardens and demesnes of heritage significance. Based on the submitted information the Board is not satisfied that the proposed development would not materially contravene this objective.

The proposed development would, therefore, be contrary to the development plan objectives and would not be in accordance with the proper planning and sustainable development of the area.

2. It is considered that the submitted Natura Impact Statement is not based on best available scientific information. In the absence of adequate baseline information, the conclusions presented in the Natura Impact Statement cannot be relied upon and the information available to the Board does not allow for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites.

Mairead Kenny

Senior Planning Inspector

2 June 2022