



An
Bord
Pleanála

Inspector's Report

ABP-314058-22

Development	Solar PV energy development and associated site works. NIS submitted to Planning Authority.
Location	On lands including Culmullin, Woodtown, Arodstown & Summerhill, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	212214
Applicant(s)	Energia Solar Holdings Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with conditions
Type of Appeal	Third Party
Appellant(s)	Eco Advocacy.
Observer(s)	None.
Date of Site Inspection	7 th July 2023.
Inspector	Bríd Maxwell

1.0 Site Location and Description

1.1 This appeal relates to a site which has a stated area of 206 hectares and is located in a rural setting circa 4.5km northeast of Summerhill and 5.6km southwest of Dunshaughlin, in south County Meath. The overall area comprises a total of 27 fields, a mixture of pasture and arable lands. Field boundaries comprise a mix of treelines, mature hedgerows and post and wire fencing with internal drainage ditches along many field boundaries. The site comprises four distinct areas as follows:

- Site Area 1 comprises fields numbered 19, 20 and 21 and is linked to Site Area 3 via a 760m proposed access track. Land within this area of the site ranges from circa 93-120AOD. A cluster of farm dwellings is located to the south.
- Site Area 2 comprises fields 1 to 9 ranging from circa 76m-135m AOD. A band of coniferous forestry abuts the northern section of this area as well as along part of the western and southwestern boundary. There is also immature woodland and broadleaved woodlands along the boundaries.
- Site Area 3 is located circa 60m south of site area 2 and east of site area 1 and is to be accessed via a proposed new access track running north south from site area 1 for circa 500m. The section of land contains fields 10 to 18 and fields 22, 23 and 24. Land within Site Area 3 ranges from circa 83m to 104AOD. Agricultural lands adjoin with areas of both mixed broadleaved woodlands and coniferous plantation evident along parts of the northern and southwestern boundaries.
- Site area 4 is located to the northeast of Site area 2 and consists of three agricultural fields (fields 25, 26 and 27) accessed via an existing farm from the L62051. Lands within this area range from 78m-96mAOD.

1.2 A pylon line 220Kv passes through fields 3, 6, 17 and 18 and fields 24, and 11. A telecommunications mast is located in excluded area within field 11 Site Area 3. Land use in the vicinity typically comprises small to medium scale agricultural fields delineated by a mix of hedgerows and treelines. Land use comprises a mix of arable and grazing lands with a number of equestrian farms and a scattered pattern of rural housing evident. The topography is generally lightly undulating with higher lands around Bogganstown to the east and Garairis to the southwest.

2.0 Proposed Development

- 2.1. The application involves permission for a solar photovoltaic (PV) energy development to include solar panels mounted on steel support structures, associated cabling and ducting, 54 no MV power stations, 2 no client substations, 4 no temporary construction compounds, access tracks, boundary security fencing and security gates, CCTV, landscaping and ancillary grid infrastructure and associated works. Access is proposed via two existing accesses along the L62051. The application is accompanied by a Natura Impact Statement (NIS).
- 2.2. It is proposed that the life of the permission will be for 10 years with the operational life of the development 35 years and an output of up to 120MW MEC.
- 2.3. The solar panel array will comprise of multiple rows of solar panels which will be mounted onto metal frames. The panels will be arranged running east to west and fixed to galvanised steel posts. The frames will allow the panels to be positioned at an angle between 15-30 degrees from the horizontal with a proposed maximum height of 3.2m to the top of the panel frame on level ground including 0.8m of ground clearance to enable maintenance access below the PV modules.
- 2.4. Areas of archaeological sensitivity will have pre cast concrete feet (plinths) securing the panels in order to avoid ground disturbance.
- 2.5. The design includes 54 MV power transformer stations and inverters within self-contained weatherproof units located off the access track. Each unit measures c6.06m x 2.44m x 2.39m and will be built upon a concrete plinth foundation of circa 0.3m above ground level (giving a total height of circa 3.2m). The inverters will convert the direct current (DC) to alternating current (AC) and the transformers will uprate the voltage from low voltage to medium or high voltage as required.
- 2.6. The design includes 2 no client substations one within site area 1 and one within site area 3 that will house switchgear and metering equipment measuring c12mL x 8mW x 4.7mH. The substations will be built on concrete foundations. A third area has been left available in site area 1 for a future substation which will be subject to a future planning application.
- 2.7. Four no temporary site construction compounds (50m x 60m) will be provided for the installation phase of the development. The areas will be surfaced with compact

stone and will be reinstated prior to the end of the construction phase. Areas will be regraded with stockpiled topsoil to a natural profile.

- 2.8. The proposed solar farm will be secured by perimeter deer fencing with wooden posts at 3m centres. A distance of approximately 3m will be maintained between security fencing and solar array and a further distance of approximately 5m between the solar arrays and site boundary (Existing hedgerow/treelines). 75 CCTV cameras will be positioned to capture imagery within the lands under control of the applicant. These will be on c3.5m high galvanised steel posts. No permanent lighting is proposed.
- 2.9. Access is proposed via two existing access points off the L62051. Existing upgraded and proposed internal access tracks will connect all site areas within the development.
- 2.10. While the proposed development relates to an area of circa 206 hectares of agricultural land given the nature of the proposed solar farm development construction works / disturbance will occur over circa 3.15% of the site. It is proposed that the agricultural use of the land will continue throughout the operational phase by allowing sheep grazing.
- 2.11. It is envisaged that the installation phase will take 12 months and the proposed life of the permission is for 10 years with an operational life and restoration plan of 35 years.
- 2.12. The proposed development would have an expected generation of up to 120MW MEC for the local distribution network.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1 By order dated 15/06/2022 Meath County Council issued notification of its decision to grant permission for the development as set out and 24 conditions were attached which included the following:

Condition 2 . Prior to commencement of work on site, the megawatt output capacity of the proposed solar farm to be agreed unless the prior written agreement of the planning authority is first obtained.

Condition 3. The mitigation measures outlined in the NIS and other plans and particulars to be implemented in full.

Condition 4. Mitigation measures in glint and glare assessment submitted on 22/11/2021 and 28/04/2022 to be implemented.

Condition 5. In the event that the development once installed gives rise to negative effects to aircraft or vehicle operations the applicant to implement appropriate measures to reduce such effects to an acceptable level of safety subject to prior written agreement.

Condition 6. Exact detail and location of transformers / inverters / substations and any other ancillary units and structures shall be submitted to the Planning Authority prior to commencement of development. Cables from the solar arrays to the compound shall be located underground.

Condition 7. Exact detail of design and materials and location of mounding frames and solar panels to be submitted.

Condition 8. Exact detail of fencing to be submitted.

Condition 9. Colour of building shall be dark grey, grass or dark green or as otherwise agreed.

Conditions 10-11. Landscaping scheme.

Condition 12. Post construction glint and glare assessment.

Condition 13. Construction Traffic mitigation measures.

Condition 14. Clean aggregate to be used on construction road. No C & D waste.

Condition 15. Flood mitigation.

Condition 16. Bunding.

Condition 17. CEMP.

Condition 18. Waste License / Permit.

Condition 19. Archaeological Impact Assessment.

Condition 20. All structures removed no later than 35 years from date of commencement.

Condition 21. Environmental compliance register for construction and operational phase.

Condition 22. Bond to secure satisfactory reinstatement of public roads.

Condition 23. Bond to secure satisfactory reinstatement of the site.

Condition 24. Development Contribution.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's initial report asserts that further information is required to assess the proposal to include:

- Assessment of the potential cumulative visual impact of the proposal particularly in terms of glint and glare from the Hill of Tara.
- Assessment of Recorded Monuments: ME043-056 Woodtown Barrow, ME043-017 Culmullin Church, ME043-017002 Culmullin Font, ME043-017001 Culmullin Graveyard, ME043-018 Culmullin Castle motte and ME043-018001 Culmullin Font in landscape and visual appraisal.
- Revised location and layout plans demonstrating unobstructed forward visibility stopping sightlines approaching the junction of the R125 and L62051. Where works required are outside ownership, written consent of the relevant owner to be provided.
- Revised CTMP.
- Glint and glare assessment and mitigation to be revised to ensure no impact to all road receptors.
- Applicant to address issues raised in the third party submission.

Final Planner's report asserts that the applicant has satisfactorily addressed the items raised in the further information request. Permission was recommended subject to conditions as per subsequent decision.

3.2.2. Other Technical Reports

3.2.2.1 Executive Engineer, Public Lighting Transportation. – If any external lighting is to be included a lighting design is required that mitigates against obtrusive light.

3.2.2.2 Executive Engineer Water Services report asserts that the proposal broadly meets the requirements of Meath County Council Water Services Section with respect to the orderly collection treatment and disposal of surface water. Existing ditches to remain as open drains except where crossings are required to facilitate access roads. All works to comply with Greater Dublin Strategic Drainage Study Regional Drainage Policies Volume 2 for New Developments.

3.2.2.3 Fire Services Department. Fire Safety Certificate required. Fire brigade access suitable for fire pump type fire appliance. Prior to commencement further review in technical detail.

3.2.2.4 Architectural conservation officer. Further information required to include revised visual impact assessment to address a number of recorded and registered monuments. Applicant should be requested to assess potential cumulative visual impacts by way of glare from Hill of Tara. Subsequent report following submission of additional information indicates satisfaction that further information submission addresses the impact on nearby recorded and registered monuments. Design of any service building to refer to the Meath County Council rural design guide and integrated into the landscape as such. Use of matte dark green paint on all exposed metal work, service buildings, cabins, gates and fences.

3.2.2.5 Executive Engineer Transportation. Sightlines are considered acceptable at proposed access points. Forward visibility stopping sightlines approaching the junction of the L62051 and R-125 from the north are obstructed by the boundary hedge of the lands to the east of the R125 to turn onto the L52061. The L62051 is narrow and cannot facilitate two way HGV traffic. Sightlines from the L62051 onto the R125 are substandard. Applicant should revisit CTMP in light of the issues raised

and submit proposals to address. Glint and glare mitigation measures should be devised to reduce impacts of the development arising to none for road receptors. If permission is granted applicant to lodge a cash deposit of €15,000 or other security as agreed to secure the satisfactory completion of any repairs to the public road following completion of post construction road survey. A post construction glint and glare inspection and survey to be carried out to ensure no risk to motorists on public roads.

3.2.2.6 Following further information response Executive Engineer Transport report indicates no objection subject to lodgement of €15,000 cash deposit or other security as agreed to secure the satisfactory completion of repairs to the public road. Post construction glint and glare survey. Mitigation measures including measures identified in construction traffic management plan to be submitted and agreed. During construction phase clear construction warning signs to be placed on the approach to the junction. A booking delivery system to be in place to reduce risk of HGV conflict along the L-62051.

3.2.2.7 Environment Department report recommends that fencing in any identified flood zones is deer fencing and does not extend into any watercourse. All access tracks at grade. All essential infrastructure outside flood zone A and flood zone B and maintenance of 10m riparian zone buffer. Access tracks located within flood zones A and B shall not be raised above local ground level so as not to remove flood plain storage. Tracks within flood zones A and B to be delineated with marker pole showing the depths of the 1 in 100 year and 1 in 1000 year events. Fencing within flood zones A and B shall be limited to deer fencing or similar and fencing crossing watercourse shall not extend into the watercourse. Gates at watercourse crossings shall not impact the flow of water in a 1 in 100 year or 1 In 1000 year flood event. Any proposed culverts, crossings, watercourse diversions or amendments to same shall require consent from the OPW.

3.3. Prescribed Bodies

3.3.1 Irish Aviation Authority IAA. - No observations from Safety Regulation Division Aerodromes.

3.3.2 DAA. No comment other than recommendation to consult with the IAA and IAA ANSP.

3.3.3 Development Applications Unit Department Of Housing Local Government and Heritage - note that the geophysics report is at draft stage and includes information relating to the identification of five probable features and nine possible features or areas. No detailed description provided of impact of the proposed mitigation and of the impacts of the proposed development in relation to the geophysically identified sites and features. Condition regarding archaeological mitigation and pre development testing to be included in any grant of permission.

3.4. Third Party Observations

3.4.1 Submission by Eco Advocacy CLG, objects to the development on a number of grounds as follows:

- Proposal is an abuse of finite agricultural land. Existing roof space could be utilised.
- Proposal is incompatible with the proper planning and sustainable development of the area.
- Solar energy is intermittent and not dispatchable therefore requiring fossil fuel back up and is essentially unsustainable.
- No information on timeframe. Megawatt capacity is not clear.
- Fixed installation will not track the sun which is inefficient use of resources.
- Ireland's location on latitude of 53.1424 degrees N is too far north to be efficient in terms of capturing solar energy.
- Inadequate assessment of cumulative impact. No information on pending, granted and constructed solar farms.
- Deep bore geothermal energy is an alternative sustainable energy that is dispatchable.
- Issue of grid connection is not addressed.
- Inappropriate land use – Industrial vandalism of the landscape.

- Negative visual impact of large area of solar panels in a concentrated area. Contrary to European landscape convention.
- Impact on European Sites. Concentrated discharge of runoff, contaminants to aquifer.
- EIA and Habitats Directives. SEA directive.
- Impact on birds. Flora and fauna.
- Use of heavy metals, rare metals used in the production of solar panels
- Human rights issues in solar panel production.
- Source of aggregates unclear.
- Carbon footprint in manufacturing, decommissioning construction.
- End of life issues.
- Air safety.
- Electrical safety & Fire safety.
- Traffic generation.
- Absence of guidelines for solar energy.

4.0 Planning History

ABP-317498-23 Concurrent application . Application for 10 year permission for the construction of a 220kV substation compound and all associated works. Relates to area within Site area 2 indicated for future substation location.

VA0017 – Eirgrid. North South 400kV interconnector. (The proposed interconnector will pass over northern half of field 22 and north eastern corner of field 11 from where it runs to the north from site area 1 in a northwest southeast direction.

312723 An Bord Pleanála granted permission on 27/1/2023 in relation to an application on lands including Derryclare, Cloneymeth, Ballygortagh and Moynalvy, Summerhill, Co. Meath. Application relates to Solar energy, plant and ancillary equipment and associated site development works NIS submitted with FI.

5.0 Policy Context

5.1 Climate Action Plan 2023

Second annual update to Ireland's Climate Action Plan 2019. The Plan implements carbon budgets and sectoral emissions ceilings and sets out a roadmap for taking decisive action to halve our emissions by 2023 and reach net zero no later than 2050 as committed to in the Programme for Government. The target for electricity generation and transmission is set at 8GW for solar.

5.2 Climate and Energy Policy Framework 2030

The Climate and Energy Policy Framework 2030 includes EU-wide targets and policy objectives for the period between 2021-2030. It seeks to drive continued progress towards a low-carbon economy and build a competitive and secure energy system that ensures affordable energy for all consumers and increase the security of supply of the EU's energy supply. It sets targets of at least 40% reduction (set to raise to at least 55%) in green-house gas emissions and at least 32% share of renewable energy from all energy consumed in the EU by 2030.

5.3 Revised Renewable Energy Directive 2018/2001/EU (December 2018)

This is the legal framework for the development of renewable energy across all sectors of the EU economy, supporting clean energy co-operation across EU countries. It sets out a new target for share of energy from renewable sources in the EU to at least 32% for 2030, with a review for increasing this target through

legislation by 2023. It requires Member States to set national contributions to meet the binding target as part of their integrated national energy and climate plans.

5.4 Project Ireland 2040. National Planning Framework (NPF)

The NPF is a high-level strategic plan to shape the future growth and development of the country to 2040. It is focused on delivering 10 National Strategic Outcomes (NSOs). NSO 8 focuses on the 'Transition to a Low Carbon and Climate Resilient Society' and recognises the need to harness both on-shore and off-shore potential from energy sources including solar and deliver 40% of our electricity needs from renewable sources.

Section 5.4, 'Planning and Investment to Support Rural Job Creation', notes that in meeting the challenge of transitioning to a low-carbon economy, the location of future 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.

It is a National Policy Objective (NPO 55) to 'promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050'.

5.5 Ireland's National Energy and Climate Plan 2021-2030

The National Energy and Climate (NECP) Plan is an integrated document mandated by the European Union to each of its member states in order for the EU to meet its overall greenhouse gases emissions targets. The Energy and Climate Plan addresses all five dimensions of the EU Energy Union: decarbonisation, energy

efficiency, energy security, internal energy markets and research, innovation and competitiveness.

The plan establishes key measures to address the five dimensions of the EU Energy Union, including:

- To achieve a 34% share of renewable energy in energy consumption by 2030.
- To increase electricity generated from renewable sources to 70%, indicatively comprised of up to 1.5GW of grid-scale solar energy.

5.6 Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy RSES 2019-2031

The regional strategy (RSES) for the Eastern and Midlands Region supports harnessing on-shore and off-shore potential from wind, wave and solar and connecting the richest sources of that energy to major sources of demand. There are 16 no. Regional Strategic Outcomes (RSOs). RSO 8 is to build climate resilience. RSO 9 is to support the transition to low carbon and clean energy economy.

Section 4.8, 'Rural Places: Towns, Villages and the Countryside' notes the location of future renewable energy production is likely to be met in rural areas and at section

7.9, 'Climate Change' supports an increase in the amount of new renewable energy sources in the Region, including the use of solar photovoltaics.

5.7 Development Plan

The Meath County Development Plan 2021-2027 is the operative plan and came into force on 3rd November 2021. A number of policies and objectives are of particular relevance as follows:

It is the policy of the Council, as set out in ED POL 19 'To support and facilitate sustainable agriculture ... renewable energy and other rural enterprises at suitable locations in the County'.

Policy INF POI 34 promotes sustainable energy sources and locally based renewable energy alternatives where it does not have a negative impact on the surrounding environment.

Policies INF POL 35 and INF POL 36 seek to reduce greenhouse gases through the development of renewable energy sources and support the implementation of the National Climate Change Strategy.

It is an objective of the Council, INF OBJ 39, to support Ireland's renewable energy commitments outlined in national policy by facilitating the development and

exploitation of renewable energy sources such as solar where it does not have a negative environmental impact.

It is the policy of the Council, as set out in DM POL 27, 'to encourage renewable development proposals which contribute positively to reducing energy consumption and carbon footprint'.

DM OBJ 76 outlines the criteria to be considered in individual energy development proposals e.g., environment, traffic, landscape etc.

Section 11.8.2 relates to the development management standards in respect of solar farms.

Objective DM OBJ 77 lists a range of reports/documents to be included with an application for solar energy.

It is an objective of the plan, INF OBJ 28, to ensure that proposals for the development of solar farms located within areas identified as being within Flood zones A or B are subject to a Site-Specific Flood Risk Assessment.

It is a policy of the Council, INF POL 43, to require that development proposals in respect of solar panel photovoltaic (PV) arrays in the vicinity of Dublin Airport shall be accompanied by a full glint and glare study.

Chapter 8 deals with Cultural and Natural Heritage Strategy.

Policies HER POL 2, HER POL 3 and HER POL 4 aim to protect sites and features of archaeological interest and seeks archaeological impact assessments, geophysical survey, test excavations or monitoring as appropriate, for development in the vicinity of monuments or in areas of archaeological potential or where development proposals involve ground clearance over a certain area/length.

Objectives HER OBJ 33 and HER OBJ 34 seeks to ensure an Appropriate Assessment in accordance with the Habitats Directives (92/43/EEC) and national

guidance is carried out where appropriate and seeks to protect and conserve the conservation value of Natura 2000 sites and other designated sites.

It is a policy of the Council, HER POL 37, to encourage the retention of hedgerows and distinctive boundary treatments in rural areas. Policy HER POL 49, 50 and 52 seek to protect and enhance the character and distinctiveness of landscapes in accordance with the Meath Landscape Character Assessment and requires landscape and visual impact assessments to be submitted with planning applications for development which may have significant impact on landscape character areas of medium or high sensitivity.

The landscape character assessment, attached as appendix 7 to the Plan identifies the site as being in two landscape character areas as follows:

- Tara Skryne Hills LCA ID 19 which is described as having exceptional character value and high sensitivity.
- Central lowlands LCA ID 20 which is described as having high character value and moderate sensitivity.

The site is zoned as 'RA Rural Areas'. It is an objective to protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage in RA Rural Areas. Among a list of permitted uses are sustainable energy installations and utility structures.

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5.8 Natural Heritage Designations

The site is not within a designated area. There are three Natura 2000 sites within a 15km radius of the application site including:

River Boyne and River Blackwater SAC

River Boyne and River Blackwater SPA

5.9 EIA Screening

5.9.1 Solar energy development is not listed as a class of development for the purposes of EIA under Part 2 of Schedule 5, within the Planning and Development Regulations, 2001 (as amended). In this regard, a requirement for preliminary examination or EIA does not arise.

5.9.2 The case can be made that the proposed development comprises rural restructuring of farmland requiring screening under the Environmental Impact Assessment (Agriculture) Regulations, 2011, by the Department of Agriculture, Food and the Marine. In this regard I note the more recent amending regulation S.I. 383 of 2023 Planning and Development (Amendment) (No. 2) Regulations 2023, which amends Class 1 of Part 2 of Schedule 5, by inserting the following:

(a) Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment)(Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.

I note that these thresholds reflect those set out in Schedule 1, Part B of the 2011 EIA (Agriculture) Regulations. Furthermore, Part A of Schedule 1 of the 2011 regulations sets out the following thresholds for screening for EIA:

Restructuring of rural land holdings	Screening Required
Length of field boundary to be removed	Above 500m
Re-contouring (within farm-holding)	Above 2 hectares
Area of lands to be restructured by removal of field boundaries	Above 5 hectares

The proposed development involves the removal of a limited extent of hedgerow, primarily at access track openings and entrances and to enable construction of security fencing comprising less than 200m. This is significantly below the threshold of 4km for EIA reinserted by the 2023 amending regulations and is also considerably below the screening threshold set out in the 2011 (Agricultural) regulations. Such removal is associated with access requirements and does not result in the amalgamation or enlargement of existing fields. Significant effects on biodiversity are not likely as a result of such works.

The development does not involve the recontouring of the lands by, for example, the levelling off hills or by infilling of hollows (by removing or shifting earth or rocks), or other use or drainage works. The topography of the lands will not be impacted by the development as the panels will be installed to existing topography, without excavation or alteration of levels. Inverter / transformer containers and substations will be sited on areas of hardstanding which may require some localised levelling and foundation works, however, such works are not significant in nature and would not constitute recontouring of the lands. Four no temporary construction compounds are to be surfaced with compact stone for the construction period and reinstated by way of regrading with stockpiled top soil to a natural profile on completion.

Having regard to the above, I am satisfied that the proposed solar farm is not of a class that requires EIA or screening for EIA, while the associated grid connection is also not of a class of development listed under Parts 1 or 2 of Schedule 5. The development would, however, constitute sub-threshold development for rural restructuring (Class 1(a), Part 2 Schedule 5).

I refer to Form no. 2 Preliminary Examination Appended to this report and conclude that there is no real likelihood of significant effects on the environment and that EIA is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 The appeal is submitted by Eco Advocacy CLG. Grounds of appeal are summarised as follows:

- Proposal is an abuse of finite agricultural land and incompatible with the proper planning and sustainable development of the area.
- Solar energy is intermittent and not dispatchable and essentially unsustainable.
- Irresponsible to use finite agricultural/ arable land in light of food shortages as a result of war in Ukraine.
- Clarity is required on the number and timeframe and megawatt capacity of the installation.
- Fixed nature of the installation is an inefficient use of resources.
- The negative impact on community both in term of use of limited land resources together with finite resources required to construct such facilities far outweighs any supposed benefit to the community which is tokenistic at best.
- But for the RESS (Renewable Energy Support Scheme) these applications would not be happening.
- Removal of topsoil and filling the lands with concrete and steel lattice type structures can only be described as industrial vandalism of the landscape.
- Question adequacy of EIA screening.
- Adequacy of Appropriate Assessment NIS is questioned.
- Benefits of Deep Bore Geothermal Energy should be explored.
- Cumulative impact of multiple applications not being addressed. Applications applied for, granted, commenced and operational should be provided for Co Meath, and neighbouring counties of Dublin, Louth Kildare Westmeath Offaly and Laois.
- Electromagnetic field issues not addressed.

- Cost benefit analysis should be carried out with reference also to deep bore geothermal technology.
- Planner's report fails to address the issues raised in a meaningful way. Reference to Kelly v An Bord Pleanála. 2014 [IEHC 400] and Sweetman v An Bord Pleanála C258/11.
- Separate grid connection application appears contrary to O Griannna & Others v An Bord Pleanála.
- No guidelines for solar energy. Application is premature.
- Reference to solar 'farm' inappropriate as such development is at odds with farming.
- Proposal is developer led and at odds with established land use.
- Sunlight is highly sporadic variable and erratic and requires back up with fossil fuels.
- Excess power reserves will increase the frequency of alternating current.
- Solar PV systems use of batteries increases total emissions dramatically.
- Requirement for battery electric storage systems results in more extraction, energy and water use and toxic waste.
- Impact on farming - loss of plants that feed use and sequester carbon.
- End of life PV panels a hazardous waste containing toxic chemicals.
- Re-emitted heat from solar farms affects regional and global temperatures.
- Solar PV systems should not be considered green given manufacturing and disposal implications.
- Environmental impacts on aquatic insects. Stormwater runoff. Potential threat to aquifer. Heavy metal runoff. Health and safety impacts to animals and human health.
- Carbon footprint of solar energy.
- Regarding archaeological impact geophysical analysis should be conducted.
- Conflict with amenity uses.
- Precautionary principle should be applied to avoid further depletion of finite resources and also to avoid the further destruction of Ireland' landscape.

- Traffic movements
- Noise and disturbance.
- Inadequate assessment of the visual impact on various viewpoints. Proposal is contrary to the European Landscape Convention.
- Compliance with SEA Directive
- Impact on migratory birds.
- Non enforcement of planning conditions and concept of self-policing problematic.
- Human rights issues arising from global production of solar panels.
- Precise quantities of aggregate should be established.
- Impact on airlines.
- Fire safety. Significant electrical hazard issues.
- Proposed development is fundamentally flawed and constitutes a poor return on investment together with finite resources required.
- In the interests of proper planning and sustainable development the appropriate course of action is for An Bord Pleanála to refuse permission.

6.2. Applicant Response

6.2.1 The response by Neo Environmental on behalf of the first party is summarised as follows:

- Regarding the land take, the proposal will result in dual use of the site for both the production of renewable energy and sheep grazing. Habitats will be created as outlined in the biodiversity management plan. Over 96% of the land will remain in a greenfield state and will be used for biodiversity enhancement, sheep grazing and landscape enhancement measures.
- Upon decommissioning the solar arrays and associated infrastructure will be removed from the site and disturbed lands will be fully reinstated to agricultural use

with the benefit of retaining the enhanced landscape and biodiversity value from the mature vegetation / enhancement measures.

- The proposal will contribute to the state's renewable energy targets for 2030 and increase energy security through indigenous energy sources.
- Regarding lifetime, the Planning Statement outlines that the proposed life of the permission is 10 years. The proposed operational life of the development and site restoration plan is 35 years.
- Regarding megawatt capacity, the expected generation of up to 120MW MEC for the location distribution network,
- Irradiance levels in Ireland are good with solar energy received being very close to countries like Germany and Austria where PV solar panels have been installed for many years. Use of bi-facial panels provides for potential to produce more electricity in less space. The efficiency of the panels along with the energy storage technology ensures that intermittency and dispatchability effects are being mitigated.
- Proposal will provide numerous benefits to the community including diversified source of revenue, multi-functional land use, employment, indigenous renewable energy resource, financial contribution, low intensity agricultural methods, low level ground disruption, bio enhancement measures, use of finite resources.
- Whilst the RESS has been a critical feature in Ireland's drive to facilitate a roll out of renewable energy projects to meet the 2030 targets, it is noted that non RESS funded projects will also be required to achieve Ireland's renewable energy targets.
- Regarding intermittency and dispatchability this is true for all renewable energy technologies, hence there is a requirement for solar to form part of an energy mix. Energy from solar farms is quite consistent in that they only require daylight (not direct sunlight) to operate so will work all year round during daylight hours and can therefore generally be well forecasted and consistent.
- EIAR not required. Refer Highfield Solar Case.
- NIS concluded that the proposed development will not adversely affect the integrity of any Natura 2000 site due to measures inaugurated during the design phase and following relevant guidance to prevent pollution during construction and operation.

- Deep Bore Geothermal Energy is a relatively untested in Ireland whereas solar is a proven technology.
- Cumulative effects have been considered in the relevant reports and no significant cumulative effects were identified. As a technology there is limited potential for significant cumulative effects due to a number of factors including low height and opportunity to screen views. Solar farms have circa 5% ground footprint and are 100% reversible so any landscape effects are temporary.
- Solar farms do generate low levels of electromagnetic fields however there is no evidence of harm to human health of exposure to low level EMF.
- Cost benefit analysis is not a planning consideration however solar is one of the cheapest forms of renewable energy that can be installed at scale to help Ireland meets its climate change goals and CO2 reduction targets.
- Regarding planner's assessment based on the information provided in the application and in response to the request for additional information the Planning Authority had sufficient information to conclude that the proposed development was acceptable in the context of the Meath County Development Plan subject to a number of conditions.
- A grid connection application can only be applied for once permission has been granted. Any future application to Eirgrid can therefore only follow a successful planning application process.
- Regarding allegation of prematurity pending solar guidelines there is considerable energy and planning policy support at national and local level for the development.
- An increased mix and scale of renewable onto the grid is key to maximizing the availability of clean renewable energy.
- Proposal does not include battery storage containers.
- Solar panels generate energy that produce no greenhouse gas emissions unlike fossil fuels and can reduce air pollution.
- Any end of life materials that are not recyclable will be disposed of in an appropriate manner. Majority of components removed from a solar farm can be recycled and are governed by WEEE Directive.

- While emissions arise from the mining of metals and rare earth minerals required in panel production process and carbon footprint from manufacture and transport this is insignificant when compared to savings from avoiding fossil fuels.
- The solar panels proposed are typically single crystal silicon which originates from sand. Solar farms are passive installations which do not produce harmful byproducts. No chemicals with potential to leach to the environment. Once constructed panels contents are held in an insoluble solid matrix which is not prone to degradation or leaching.
- With the implementation of the biodiversity management plan habitats for invertebrates will generally be improved.
- Regarding run off flood risk assessment undertaken as part of the application. Access track and fencing cross the watercourse between fields 1 and 2 and 26 and 27 have small areas within flood zone A and B whilst lengths of fence within Field 1 and 27 are also located within flood zone A and B. The FRA and DIA demonstrate that the proposed development will not increase flood risk away from the application site during construction operation and decommissioning phases.
- No evidence to suggest that runoff or rainwater from solar panels poses a threat to groundwater aquifers.
- Having regard to the make up of solar panels the proposed development would not result in negative impacts associated with soil health and by extension the health of animals and human health.
- The solar farm will only result in ground disturbance of 3.15% of the application site.
- Archaeological geophysical survey undertaken to inform the Archaeological impact assessment identified five probable archaeological features and nine possible archaeological features among other linear anomalies representative of former field boundaries and drainage. Avoidance zones have been implemented around these locations therefore no direct impacts will occur on these features.
- Landscape and visual impact assessment noted no notable landscape or visual effects as a result of the proposed development and no cumulative visual impacts are expected.

- The visual impact assessment is robust and is in accordance with relevant professional guidance, Focus is on visual receptors that are likely to experience potential views of the proposed development.
- The archaeological and architectural heritage impact assessment determined that no cumulative visual impacts are expected to occur on any of the surrounding heritage assets.
- Application is for a local project which is not subject to EIA or SEA. The project has been assessed and scrutinised against various plans programmes and policies that have been subject to SEA.
- Proposed solar farm not considered in isolation as cumulative effects have been considered in the relevant reports including the AA screening, landscape and visual appraisal, ecological impact assessment, archaeology and architectural heritage impact assessment and noise impact assessment, No significant cumulative effects were identified.
- There is no evidence to suggest that solar farms fry birds in Ireland or UK. There is evidence suggesting that solar farm developments have the potential to support wildlife and increase biodiversity when located on agricultural land through appropriate management.
- Applicant is committed to ensuring that supply chain is properly vetted and has a robust corporate social responsibility policy.
- Aggregate will be sourced from a fully authorised quarry as close as possible to limit fuel requirements.
- Glint and glare assessment submitted as part of the application considered seven aerodromes within 30km of the proposed development. Only Trim Airfeild and Weston Airport required detailed assessment. No runways approach paths or Airport control tower communications are affected by glint and glare therefore the impact on all aviation receptors is none.
- Regarding fire risk the solar farm is designed in accordance with ESB standards and any risks are minimised through good system design, product selection and installation practices.

- Access to Woodtown Solar PV farm will be controlled. Once connected to the electricity grid solar farm will operate autonomously without the need for personnel on site and will be monitored remotely 24 hours a day.
- The proposed project has been through various processes and considered relevant plans such as the National Planning Framework 2040, Regional Strategy and adopted Meath County development Plan under which the project is being developed. Additional sites and areas were evaluated, detailed constraint analysis undertaken, site surveys and assessment conducted and various iterations of the project design completed.
- Proposal respects the environment, has negligible visual impacts and can make a positive contribution to the local community and should be supported as it accords with the meant national and regional policies and objectives as well as policies and objectives contained in the Meath County Development Plan 2021-2027.

6.3. Planning Authority Response

The response by Meath County Council asserts that all matters outlined in the appeal were considered in the course of assessment of the application as detailed in the planning officer's reports of 24th January 2022 and 13th June 2022. The Planning Authority respectfully requests that An Bord Pleanála uphold the decision to grant permission.

7.0 Assessment

- 7.1 Having examined the application details and all other documentation on file, including all of the observations and submissions received in relation to the appeal, having inspected the site and having regard to the relevant local regional and

national policies and guidance, I consider that the main issues in this appeal can be addressed under the following broad headings:

- Principle of the Development
- Landscape and Visual Impact
- Glint and Glare
- Access and Traffic
- Archaeology and Cultural Heritage
- Ecological Impact
- Flooding
- Health and Safety
- Noise & Disturbance
- Other Matters
- Appropriate Assessment

7.2 Principle of Development

7.2.1 The grounds of appeal fundamentally question the very principle of development of 'solar farms' alleging that solar energy is itself inefficient and unsustainable in the Irish context. It is further alleged that it would be irresponsible and unsustainable to utilise prime agricultural / arable land for the proposed solar panels. Furthermore it is asserted that in the absence of specific guidelines for solar energy the proposal

should be rejected. I note the need to urgently and strenuously combat climate change is supported at European, national and local policy levels. Renewable energy development is supported in principle with collective support across government sectors for a move to a low carbon future. The need to encourage the use of renewable resources to reduce greenhouse gas emissions and to meet renewable energy targets set at a European Level is recognised. It is also an action of the NPF under National Policy Objective no. 55 to 'promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050'.

7.2.2 Notwithstanding the general acceptability of solar power as a form of energy generation, I acknowledge the absence of specific national guidance and accept that the land-use policy and spatial framework in this regard is poorly developed. At a local level the Meath County Development Plan 2021-2027 does support renewable energy and provides guidance and support by way of the policies adopted in the plan which seek to ensure that solar generation is in accordance with the proper planning and sustainable development of the area.

7.2.3 Section 6.15.3.1 of the current development plan states that 'Large scale solar farms have been positively considered on suitable sites within the County in the recent past. As of May 2019, twenty solar photovoltaic farms were granted planning permission across the County'. Policies INF POL 34, 35, 36, DM POL 27 INF and objective OBJ 39 are relevant and support the development of renewable energy sources. Objective INF OBJ 39 in particular supports the development and exploitation of renewable energy sources such as solar where it does not have a negative environmental impact. The Development Plan policy context therefore is clearly supportive of the principle of solar farm development in rural areas.

7.2.4 The application site is located on agricultural lands that are outside any designated settlement. The site is defined under zoning category 'RA Rural Areas', the primary objective of which is to protect and promote the value and future sustainability of

rural areas. Among a list of permitted uses are sustainable energy installations and utility structures.

7.2.5 On the matter of intermittency and non-dispatchability of the solar energy resource, as outlined in the first party response this is an acknowledged feature of all renewable energy resources - hence the promotion of an energy mix in the policy context. Regarding arguments within the third party appeal in respect of the limitations of solar versus alternatives such as deep bore geothermal energy and matters raised with respect to solar panel manufacture battery storage I consider that such discussions are beyond the remit of the within appeal which necessitates focus on the assessment of the proposal in its detail on its planning merit.

7.2.6 Thus to conclude on the question of principle I consider that there is clear support for such development in rural areas. Whilst the proposed solar farm would have an impact on the agricultural productivity of the site for the lifetime of the proposed development, such impacts would be temporary and the proposed development would not result in the permanent loss of agricultural land. It is also noted that it is intended that the site will facilitate dual use for sheep grazing in conjunction with the solar farm use. The proposed development also incorporates habitat creation and biodiversity management and landscape enhancement measures which are welcome. Based on the foregoing there is policy support for this type of development at national, regional and local policy levels and I am therefore satisfied that the proposed development is acceptable in principle and it is appropriate to consider the proposal in its detail on its planning permit.

7.3 Landscape and Visual Impact

7.3.1 The grounds of appeal argue that the proposed development amounts to destruction / industrial vandalism of agricultural lands and runs contrary to the European Landscape Convention and contrary to provisions of the Planning and Development Act 2000 with respect to landscape character preservation, areas of special amenity and landscape conservation areas. It is asserted that the Landscape Character

Assessment is inadequate and that the matter of cumulative impacts on landscape in combination with other similar type development has not been adequately addressed by the applicant or the local planning Authority.

7.3.2 The Meath Landscape Character Assessment contained as Appendix 5 to the Meath County Development Plan 2021-2027 provides the appropriate context in terms of the assessment of the landscape impact of the proposed development. The appeal site is located within two distinct landscape character areas namely LCA 6 Central Lowlands (Majority of Site Areas 2 and 4) and LCA 12 Tara Skryne Hills (Site Areas 1 and 3 and part of Site area 2 and 4).

7.3.3 It is noted that LCA 12 Tara Skryne Hills LCA is deemed to be “of national /international importance. At present it does not meet the full criteria for International Importance, but it does have sufficient landscape heritage merit to warrant its promotion as an international attraction for an international designation by Unesco.”

7.3.4 The application is accompanied by a Landscape and Visual Appraisal (LVA) by Neo Environmental submitted as Technical Appendix 1 of the application and which was updated in response to the Council’s request for additional information. In terms of the scope of the appraisal it is outlined that an initial study area of 5km was identified for the LVA, however during fieldwork, the subject site was found to be largely contained by localised undulations in landform and mature vegetated field boundaries and therefore the study area was reduced to a focused 2km radius with the inclusion of residential views experienced from out to c2.4km along the R154. Having inspected the site and reviewed the context I consider that this more focused study area is justified and appropriate in terms of the detailed evaluation of landscape and visual impact.

7.3.5 A Zone of Theoretical Visibility (ZTV) map shows the potential extent of the proposed development’s visibility using a worst case scenario with no account made for screening effects across the study area (Fig 1.2, 1.3a and 1.3b). The ZTV maps

indicate that the potential for visibility across the larger 5km study area is reduced with coverage more concentrated within the of the 2km study radius.

7.3.6 11 no. Viewpoints (VP) are used to assess visual effects (see Table 1-3 of LVA). Their locations are illustrated on Fig 1.3a and 1.3b. The extent of the proposed development within each photos view and whether the development will be visible or not is illustrated in Figures 1.4 to 1.14, Appendix 1A). Photomontages illustrating a Year 0 view with initial planting and a Year 5 view with more established planting for three viewpoints (VP 1,2 and 3) are shown. Viewpoints used to assess visual effects to residential views are shown from out to 2.4km. A Landscape and Ecology Management Plan is included with the application and this is taken into account within the LVA in terms of demonstrating landscape mitigation measures incorporated into the overall design scheme.

7.3.7 Table 1-3 Heritage Assets submitted in response to the request for additional information notes the assessment of five recorded monuments within and in close proximity to the site boundary. In relation to NA 13 Woodtown Barrow within field 17. A buffer zone surrounds the barrow therefore there are no direct effects. There is no visible signs of the subsurface feature therefore no impact. The landscape setting of the remaining monuments are not affected due to lack of visibility, intervening vegetation and built form.

7.3.8 The LVA concludes that the introduction of the proposed development will initially have a moderate adverse landscape effect on the characteristics of the application site, reducing to a minor adverse effect by Year 5 as mitigation planting becomes more established. A direct effect on LCA 6 – central lowlands and LCA 12 will result in a localised area (within 1km) direct moderate landscape effect and a minor adverse effect across the wider extents of both LCAs as a whole. The landscape effect will reduce to a minor adverse effect locally by year 5.

7.3.9 The LVA concludes that potential visibility will be limited to a small number of the nearest residential receptors and passing transient receptors on recreational routes and minor roads. Based on information submitted and following my site visit I agree that potential visibility will be limited and the focus is in the immediate area. The

visibility of the solar farm and associated structures will be largely contained by a mix of hedgerows and trees within the site and surrounding area. Any such views arising will be limited to small parts of the overall development.

7.3.10 Moderate adverse to minor adverse visual effects were identified at three receptors: viewpoints 1, 2 and 6 reducing to minor adverse as mitigation measures help integrate the development. Other views were rated at minor adverse or less. Three receptors did not have any views of the development due to containment within the landscape.

7.3.11 As regards cumulative impact the introduction of the proposed development will increase the localised presence of electricity infrastructure in combination with the existing telecommunications mast. The cumulative effect of the proposal in addition to the consented solar farms Knockstown and Clarskton and Derryclare Solar farm are predicted to result in minor adverse cumulative landscape effect. Small parts of the proposal will be seen in combined, successive and sequential middle distance and longer distance views with existing elements of electricity infrastructure. As mitigation planting matures the limited intervisibility will reduce further. A minor adverse to no change visual effect is predicted.

7.3.12 Having examined the LVA, I consider that a more extensive range of viewpoints and photomontage illustrations would have been beneficial particularly more immediate views to the site. However, having visited the site and examined the views from the areas in the vicinity including the residential properties that may possibly be affected by the solar farm in the future, I am satisfied that with the inclusion of appropriate landscape mitigation, which will include additional landscaping and planting any adverse impacts on visual amenity can be avoided.

7.3.13 As regards landscape effects the submitted LVA notes majority of site area 2 and site area 5 are within LCA 6 Central Lowlands which is assigned a high landscape value, a medium landscape sensitivity and a regional landscape importance. It is asserted that the characteristics of LCA 6 are judged to combine in a medium susceptibility to renewable energy development of this nature, given the largely contained nature of the application site. The Tara Skryne Hills LCA 12 has an

'Exceptional' landscape value and a 'High' landscape sensitivity and a 'National /International' landscape importance. This LCA is also of national/international importance and has sufficient landscape heritage merit to warrant its promotion as an international attraction and possible designation by UNESCO in the future. The LVA notes that the application site is distant from the key characteristics relevant to this area which include Skryne Hill and the Hill of Tara. On the basis of the characteristics and southern occurrence within LCA 12 within the focussed 2km study area are judged to combine in a medium susceptibility to renewable energy development of this nature.

7.3.14 Having considered the documentation and conducted a visit to the appeal site I am satisfied that the site given its topography, context and set back from nearby public roads and level of enclosure by mature hedgerows, and subject to landscape mitigation, would accommodate the proposed development and provide for satisfactory visual containment. The mainly low elevation of the application site, low height of the various proposed structures and existing forestry and screening within the landscape will aid screening of proposal from many visual receptors. Mitigation measures are set out in the LVA and include retention of existing trees and hedgerows, infill planting where gaps are evident, and new hedgerow planting. Structures are to be off set from the nearest existing hedgerows by 5m. It is intended that new hedgerow infill planting will be allowed to mature to approximately 3 – 4m in height and ecological enhancement measures will also form part of the landscape including the introduction of species rich grassland, bird and bat boxes, hibernaculum and insect hotels. I consider that the proposed solar farm would not have an undue adverse impact on the overall visual amenities of the area and is acceptable in terms of its landscape and visual impact.

7.4 Glint and Glare

7.4.1 Solar glint and glare ie reflected sunlight from shiny surfaces can affect safety and residential amenity in surrounding areas A Glint and Glare Assessment, prepared by Neo Environmental, is attached as Technical Appendix 7 to the application. This

assessment considers the potential impacts on ground-based receptors such as roads, rail and residential dwellings as well as aviation assets. A 1km survey area around the application site was used for ground based receptors, whilst a 30km study area is chosen for aviation receptors. Results for panel angles of 15 and 30 degrees were considered.

7.4.2 Within the study area 58 residential receptors and 17 road receptors were considered (see Figure 7.1 and 7.2 of Appendix 7A). 11 residential and 2 road-based receptors were dismissed as they were located within the no reflection zones and therefore receive no possibility for impact. Seven aerodromes are located within the 30km study area however only Trim Airfield and Weston Airport required detailed assessments due to their size and orientation in relation to the proposed development.

7.4.3 The solar panels will face south and will be inclined between 15 and 30 degrees. Once mitigation measures are in place impacts are expected to be reduced to none, at all residential and road receptors. (I note updated methodology with regard to road receptor impact as set out in further information response) Rail receptors were scoped out as no rail receptors occur within 1km. No impact was found at all on any runways or the air traffic control towers (ATCTs) assessed.

7.4.4 Mitigation measures recommended within the report included the planting of a berm and hedgerow along the eastern boundary of Field 9 and the enhanced hedgerows to be maintained at 3.4m. These aforementioned measures will screen views for all residential and road-based receptors therefore reducing their impacts to none.

7.4.5 The Glint and Glare Assessment concludes that there will be no glint and glare impact on residential or road receptors and that there will be no impact at all on runways and ATCTs of any airfields/airports. No impacts on any railway is expected. Mitigation measures include for compensatory native hedgerow and infill planting to be maintained at a height of 3-4m. I am satisfied that the issue of glint and glare on aviation, roads and residential receptors is satisfactorily addressed, and provided

mitigation is implemented I consider the proposed development is acceptable in this regard.

7.5 Access and Traffic

7.5.1 The third party appellant raises concerns with regard to significant traffic movements resulting in disturbance, interference with public amenity and increased pollution and air quality impacts arising from associated traffic emissions. The application is accompanied by a Construction Traffic Environmental Management Plan which outlines the overall framework for the management and movement of construction and delivery traffic to and from the development for construction, operational and decommissioning phases.

7.5.2 The site is to be accessed from two existing farm access points off the L62061. Improvements to existing visibility splays are proposed. A dedicated person is to be provided to manage the delivery booking system with possible stop go system. A pre-condition and a post construction condition survey along the L62051 to its junction with the R125 are proposed. Standard best practice construction mitigation measures are to be implemented including limitations on working times and HGV scheduling, site security and signage and measures to control emissions of dust and other airborne contaminants.

7.5.3 I note that the Planning Authority in further information request raised the matter of deficient visibility at the junction of the L62051 and R125. The applicant noted that the L62051 is 6m wide providing sufficient room for passing for the first 50m of this road. To mitigate the identified deficiency it is proposed to provide construction signage at this junction during the construction phase and to operate a delivery booking system to reduce the risk of HGV conflict.

7.5.4 The proposed solar farm development is in a rural location which is predominantly agricultural and I do not consider there is any deficiency in the network that would render it unsuitable to carry the additional load required during the construction

phase of the proposed solar farm. Additional traffic movements associated with the construction phase would be short-term in duration (12 months) and would not, in my view, lead to any undue congestion or hazard. I do not consider that traffic and transport issues are a barrier for the proposed solar farm development, and I am satisfied, taking account of the mitigation measures proposed and the use of appropriate conditions, that the issue of traffic can be adequately addressed.

7.6 Archaeology and Cultural Heritage

7.6.1 The grounds of appeal cite concerns relating to the archaeological heritage of the area and the significance of the area considering the proximity of sites such as the Hill of Tara, as well as the general location of the area within Ireland's Ancient East. An Archaeology & Architectural Heritage Impact Assessment (AAHIA) by Neo Environmental has been submitted as part of the application (Technical Appendix 3). Study zones of 5km and 2km were used to assess high-grade heritage assets such as World Heritage sites, National Monuments, Historical Gardens and Designated Landscapes, Protected Structures, Architectural Conservation Areas and sites within the record of Monuments and Places. No direct impacts upon known archaeological and heritage assets are anticipated and therefore the applicant stated that no specific mitigation measures for known sites were required.

7.6.2 One site within the RMP is located within the site boundary NA13 Barrow (unclassified) within the northeastern extent of Field 15. This area is excluded from the development therefore no direct effects result. Townland boundaries between Woodtown and Arodstown (Area 1) and between Woodtown and Culmullin (Area 2) may be slightly impacted by construction of access tracks and cable trenches however these features will cross via existing access points where possible to minimise impact. Anticipated impacts are classified as low.

7.6.3 Archaeological geophysical survey undertaken over the application site identified a total of five probable archaeological features and nine possible archaeological features among a number of linear anomalies. It is asserted that the potential for

encountering or disturbing below ground archaeology within the application site during construction phase will be low throughout the site but increasing to moderate within fields 15-17.

7.6.4 As regards indirect effects a total of six historic gardens and designed landscapes, one NIAH historic building and 38 sites within the RMP are located within the zone of theoretical visibility. In relation to Culmullin House (NA02) Historic Garden and designed landscape low indirect effects are anticipated with negligible indirect effects on remaining HGDIs. Low indirect effects are anticipated on Saint Martin's Roman Catholic Church (NA12). Of the 38 RMP sites low indirect effects are anticipated on two sites NA 13 (unclassified barrow and NA 14 ringfort rath) while negligible indirect effects are anticipated on remaining 36 sites. No cumulative visual impacts are expected on the surrounding heritage assets.

7.6.5 A programme of archaeological monitoring is to be implemented during the construction phase with particular focus on fields 15-17 due to proximity to barrow feature NA13 as well as depiction of several former 19th century structures within field 17 as well as works on standing remains of townland boundaries. Temporary fencing is to be erected around the zone of notification of barrow feature NA 13 prior to construction. The implementation of exclusions zones, following road section in field 17 and concrete feet for panels located within footprint of anomalies identified during the geophysical survey.

7.6.6 The Development Applications Unit (DAU) of the Department of Housing, Local Government and Heritage made a submission in relation to the proposed development and noted the draft stage nature of the geophysics report and its reference to five probable and nine possible features. A recommendation for archaeological mitigation and predevelopment testing was made.

7.6.7 Having regard to the information submitted with the application, the further information received, the reports of the planning authority and the comments of the DAU, IO consider that subject to the attachment of conditions requiring the completion of the Archaeological Impact Assessment (incorporating the results of the geophysical survey) and appropriate archaeological mitigation and monitoring of the

construction phase of the proposed development, the proposed development will ensure the conservation of items and areas of archaeological interest and will not have any undue adverse impact on archaeology or cultural heritage.

7.7 Ecological Impact

7.7.1 Concerns are raised within the grounds of appeal regarding the potential negative impacts on ecology and on biodiversity as a result of the proposed development. An Ecological Impact Assessment (EclA) accompanies the application (Technical Appendix 2). A biodiversity management plan (BMP) included with the EclA encompasses enhancement and compensatory measures aimed at ensuring that the proposed solar farm will have a net beneficial effect for local wildlife (Appendix 2D of EclA). A Landscape and Environment Management Plan LEMP is also provided.

7.7.2 A Natura Impact Statement (NIS) was submitted with the application which addresses the Impact on Natura 2000 sites and which is considered in Section 7.12 below.

7.7.3 As regards the habitat survey a total of 11 habitat types were noted during the Fossitt habitat surveys which were undertaken in February, March and August 2021. The main habitat types recorded were arable (BC1), improved agricultural grassland (GA1) which were considered to have low ecological value and the loss of which it is asserted will be negligible to nature conservation in the local area.

7.7.4 Regarding impact on wildlife it is proposed that pre commencement checks for badger and otter and bird surveys will be required if works commence between March and August inclusive. It is asserted that short term disturbance arising from the development will not be significant on ecological features and subject to best practice and recommended mitigation surveys the proposed development is unlikely to have significant impacts on local wildlife. As there is no intended tree removal proposed as part of the development, no significant impact on bat species is envisaged. If any potential roost sites are to be impacted by trimming or felling these

will be assessed by a qualified bat specialist and appropriate measures implemented if necessary. As regards bird species the EclA outlines mitigation specific to bird species and if breeding birds are identified within the site during breeding season species specific buffers will be implemented to protect nesting birds during construction.

7.7.5 Other measures within the supporting BMP include sowing species rich meadow, as well as installing bird boxes to enhance the areas attractiveness for bird species. Measures have also been implemented as part of the design to prevent the proposed development affecting sensitive ecological features, these include:

- 5m buffer around hedgerows
- 6m buffer from Arterial Drainage Schemes
- 2m buffer from field drains
- Tree buffers dependant on height
- 30m buffer around badger setts
- 10m overhead line buffer
- Avoidance of the 1 in 1000-year flood zone.

Best practice pollution prevention measures will also be implemented prior to and throughout the construction phase to prevent contaminants entering the aquatic environment.

7.7.6 With regard to cumulative effects a number of Solar PV developments in proximity as well as agricultural, infilling and extraction facilities and small scale residential developments have been considered. No likely significant cumulative effects on ecological features are predicted.

7.7.7 I consider that it has been demonstrated based on the findings of the EclA that with the implementation of mitigation measures, including further surveys prior to and

during construction, there would be no significant effects on biodiversity, the ecology of the site or surrounding area arising from the proposed development.

7.8 Flooding

7.8.1 As regards flood risk, I note the Flood Risk and Drainage Impact Assessment included as Technical Appendix 4. The Strategic Flood Risk Assessment (SFRA) and Preliminary Flood Risk Assessment (PFRA) interactive maps identify the site as being at risk of fluvial flooding events along the Arodstown Watercourse and Derrypatrick River. A hydrological and hydraulic modelling assessment was undertaken to assess the risk of flooding from these water courses. The results of this assessment showed that low lying areas of land in sites 2 and 4 could be at risk of flooding during the 1 in 100 year (Flood Zone B) and 1 in 1000 year flood events (Flood Zone C) and flood maps have been provided.

7.8.2 It is noted that solar farm development is not of a type that is specifically mentioned within any of the three land use vulnerability categories outlined in The Planning System and Flood Risk Management Guidelines (2009) however, for the purposes of the assessment the applicant has classed the access tracks, CCTV and fencing as 'compatible development'. All electrical infrastructure such as solar panels, power stations and substations are classed as 'essential infrastructure'. The 'water compatible infrastructure' has been located mostly within Flood Zone C.

7.8.3 The access track and fencing cross some watercourses which are in flood zones, with some lengths of fence within Fields 1, 2, and 26 and 27 with small areas within flood zones A and B while lengths of fence line within 1 and 27 within flood zone A and B. The applicant used a matrix of vulnerability versus flood zone the results of which deemed these uses appropriate.

7.8.4 Flood risk due to pluvial sources was also assessed on site. The PFRA maps indicated a number of locations where surface water flooding was predicted,

however on examination of topographical survey most locations were relatively minor where flooding was only possible up to approximately 0.2m.

7.8.5 As regards surface water run-off from individual buildings (MV power stations and client substations) will slowly drain to underlying geology through infiltration. In the event of accumulation soakways will be constructed. Based on results of soil infiltration tests eight soakway channels filled with crushed rock are proposed with a void ratio of 20%. Other drainage measures include retention of grass cover to maximise bio retention, access tracks to be unpaved and provision of temporary swales.

7.8.6 Having regard to the documentation submitted with the application, the fact that sensitive elements of the proposal are to be located within Flood Zone C only, I am satisfied that the application site is an appropriate location for the proposed development and that proposed development will not give rise to unreasonable risk of flooding within the application site or to areas outside the application site.

7.9 Health and Safety

7.9.1 The grounds of appeal raises a number of concerns regarding possible health and safety impacts, in particular, the use of toxic material in the solar panels and the impact of water run off on natural resources, including soil, aquatic life and human health. Concerns are also raised with regard to radiation / electro magnetic field exposure and potential effects on human health.

7.9.2 I note the applicant's response to appeal which states that the proposed solar panels are comprised of crystal silicon which is manufactured from sand and consequently there are no metals/contaminants within the panels which could run off and discharge to the underlying aquifer or surface water.

7.9.3 Regarding EMFs the first party notes that low levels of electromagnetic fields would be generated and there is no evidence of harm to human health. Given the low level

of EMF generation and distance from nearby residential properties I consider that it can be concluded that there is no reasonable risk that electromagnetic impacts would occur. Based on the foregoing, I consider that it has been demonstrated that there is no evidence to support the claims that health and safety impacts would arise and I consider the development to be acceptable in this respect.

7.10 Noise and Disturbance

7.10.1 The appeal cites concerns regarding noise impacts particularly during the construction period. A noise impact assessment (NIA), prepared by Neo Environmental accompanies the application (see Technical Appendix 6), and includes a Noise Assessment Map and Manufactures Noise Data. A total of 23 noise sensitive receptors (all residential dwellings) were included in the assessment within a study area of 500m of the application site. Noise modelling was undertaken to predict noise levels and assess acoustic impact arising during the operational phase of the proposed development. No baseline monitoring was conducted due to the relatively low levels of noise produced from solar farms; however the effects were compared against a background noise level of 35dB (LA90), typical of a rural night-time setting with no wind.

7.10.2 Having regard to the location of the site in a quiet rural area and separation from roads, I am satisfied that the baseline noise level of 35dB and methodologies used to assess noise impact are well described and justified. For the purpose of the NIA continuous operation at peak level is assumed for both daytime and nighttime hours as a worst-case scenario. Predicted impacts were calculated using source noise data from the manufacturer of the noise emitting equipment. SoundPlan noise modelling software was utilised. The main noise source associated would be from the 54 MV power stations, which enclose the inverters and transformer. The proposal is predicted to have a low impact during night time periods and no mitigation is considered necessary.

7.10.3 Noise would also arise at construction and decommissioning stages and it is noted that the construction/decommissioning noise levels are not addressed within the NIA but are addressed within the CEMP. Having regard to the location and site character

I consider that the construction phase would result in minor additional noise, however this would not have a significant impact on residential or other amenities having regard to the limited construction period and the distance from residential properties. Disturbance will be short-term and localised and is not therefore considered to be significant.

7.10.4 Based on the foregoing and having regard to the submitted NIA and the distance between the proposed development and residential receptors, I do not consider that the proposed development would have any undue adverse noise impact on property in the vicinity.

7.11 Other Matters

7.11.1 The appeal raises issue with the type of technology proposed, including concerns in relation to the viability of solar PV development at the subject site and the lack of consideration of alternative renewable technologies which may be more suitable to the site including deep bore geothermal. The applicant addresses these concerns in their response to the third-party grounds of appeal noting that geothermal deep bore, technology is generally untested within the Irish context and requires significant further research. In relation to tidal energy the applicant states that this type of energy technology is not a feasible alternative given that it is not at a viable commercial standard to provide clean energy at a large scale when compared with the well developed solar and wind technology. The applicant's response to the grounds of appeal also addresses dispatchability concerns and the limitations of solar energy generation. In my opinion the applicant has adequately addressed the concerns raised in the appeal in relation to the viability of the solar farm at this current location. I consider that notwithstanding the benefits and comparative merits of the various renewable energy generation technologies, I consider that on the basis that it is a solar PV development which is currently under assessment it is not pertinent to wander beyond the merits of the current proposal as it set out within the application.

7.11.2 As regards the timeframe / lifetime of the development and expected MW output from the proposed development the applicant reiterates that as outlined on Page 5 of

the Planning Statement the proposed life of the permission is to be 10 years, with the operational life of the development 35 years and in terms of generation an output of c.120MW MEC is expected. Regarding the specifics of the apparatus design it is noted that the most efficient infrastructural specifications available at the time of construction will be used and while these may vary slightly from the details described in the submitted plans this is not expected to result in a significant departure. It is appropriate to allow for a degree of flexibility and efficiencies.

7.11.3 The appeal raises the matter of grid connection and contends that this needs to be considered in terms of cumulative in combination impacts citing O’Grianna & Ors v An Bord Pleanála. Grid connection does not form part of the current planning application and as set out in the applicant’s response will follow a successful planning application process. The issue of cumulative and in combination impacts is addressed within the Appropriate Assessment below.

7.11.4 Regarding the question of a requirement for Environmental Impact Assessment EIA I have noted that solar farms are not listed as a class of development for the purposes of EIA within the Planning and Development Regulations 2001 (as amended). Notwithstanding this the question is raised by the appellants as to whether the full project, including grid connection, may warrant EIA. The question of project splitting to avoid the need for EIA is also suggested. Having considered the matter in detail and as set out under Section 5.9 above and in summary in Appendix 1 and 2, I am satisfied that the proposed solar farm does not require EIA.

7.11.5 As regards Strategic Environmental Assessment SEA, the appellant suggests conflict with SEA Directive in that the directive provides that programmes, plans and projects should be conducted and assessed as a whole and not in isolation, and in the case of the current proposal the applicant has proceeded straight to project level without first considering the two earlier stages of the process e.g., plans and programmes.

7.11.6 I note that the European Union’s SEA Directive (2001/42/EC) requires that an environmental assessment be carried out for all plans/programmes or amendments to plans/programmes which are prepared for certain specified sectors outlined within

the directive. The proposed development represents a project level development and does not comprise either a plan or programme as outlined in the SEA Directive, it is therefore clear that the proposal does not require SEA as part of the provisions of the SEA Directive or its provisions as transposed into Irish law under either S.I. No. 435 of 2004 European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, as amended by S.I. No. 200 of 2011 (European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011) or S.I. No. 436 of 2004 (Planning and Development (Strategic Environmental Assessment) Regulations 2004, as amended by S.I. No. 201 of 2011 (Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011). I also note that the operative Meath County Development Plan has been subject to SEA to predict and evaluate the likely environmental effects of implementing the plan, including policy in relation to future renewable development. In addition, other relevant higher-level plans, such as the National Planning Framework and the Regional Spatial and Economic Strategy have also been subject to SEA and support renewable energy development.

7.12 Appropriate Assessment

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

The requirements of Article 6(3) as related to Appropriate Assessment of a project under Part XAB and Section 177U and 177V of the Planning & Development Act, 2000 (as amended) are considered fully in this section with the areas addressed as follows:

7.12.2 Background on the application

The applicant submitted a Natura Impact Statement dated 3/11/2021 by Neo Environmental. The applicant's report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European sites within a possible zone of influence of the development. The report is

examined in conjunction with the Ecological Impact Assessment and Outline Construction and Environment Management Plan. The applicants screening process concluded that there is hydrological connectivity to the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA. There is no connectivity to the Rye Water Valley / Carton SAC and therefore no pathway for potential impacts.

Having reviewed the documents and submissions I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development alone or in combination with other plans and projects on European sites.

7.12.3 Screening the need for appropriate assessment;

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 European sites.

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.

7.12.4 Brief Description of the Development

The applicant provides a brief description of the project under Section 1.11 of the NIS. A summary of the main elements of the proposed development is also outlined under Section 2 of this report above.

The development site is described under Sections 1.14 to 1.22 of the NIS report. The development will be situated across 27 fields which are split between four distinct land parcels. The site areas are generally well enclosed and consist of a mixture of pasture and arable lands. Fields are bound by a mixture of trees, mature hedgerows

and post and wire fencing, with internal drainage ditches along many field boundaries.

The main fossitt classified habitats recorded as part of the submitted EclA include Arable crops (BC1), Improved Agricultural Grassland (GA1), Buildings and Artificial Surfaces (BL3), Mixed Broadleaved Woodland (WD1), Conifer Plantation (WD3), Scrub (WS1), Immature woodland (WS2), Watercourse (FW2), Drainage Ditches (FW4). Treelines (WL2), Hedgerow (WL1). Land in the vicinity is described as mainly agricultural in nature with farmsteads located along the local roads.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related - uncontrolled surface water/silt/ construction related pollution.
- Habitat loss/ fragmentation.
- Habitat disturbance /species disturbance (construction and / or operational).
- In-combination effects with other projects.

7.12.5 Submissions and Observations

No submissions were received from any prescribed bodies in relation to Appropriate Assessment issues. The third party appeal questions compliance with the Habitats Directive and possible impacts as a result of the development on qualifying interests of downstream European Sites.

7.12.6 European Sites

The development site is not located in or immediately adjacent to a European site. The closest European sites are the River Boyne and River Blackwater SPA (Site Code: 004232) and the River Boyne and River Blackwater SAC (Site Code: 002299), both within c. 5.4km of the proposed development and c.12.5km downstream of the

project. A summary of European Sites that occur within 15 km/within a possible zone of influence of the proposed development is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

Table 12.1 Summary Table of European Sites within a possible zone of influence of the proposed development.

European site (Code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)	Considered further in screening Y/N
River Boyne and River Blackwater SAC 002299	1099 River Lamprey <i>Lampetra fluviatilis</i> 1106 Salmon <i>Salmo salar</i> 1355 Otter <i>Lutra lutra</i> 7230 Alkaline fens 91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)*	8.5km NW	Ecologically connected, Hydrologically connected through drainage ditches, the Ardodtown watercourse and Aughaskea Stream on site.	Yes
Rye Water Valley /Carton SAC 001398	1014 Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> 1016 Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i> 7220 Petrifying springs with tufa formation (<i>Cratoneurion</i>)*	10.7km SE	No known connection	No
River Boyne and River Blackwater SPA 004232	A229 Kingfisher <i>Alcedo atthis</i>	8.5km NW	Ornithologically connected, Hydrologically connected through drainage ditches, the Ardodtown watercourse and the Aughaskea stream on site.	Yes

Following the screening process, it has been determined that Appropriate Assessment is required, as it cannot be excluded on the basis of objective information that the proposed development individually or in-combination with other plans or projects will not have a significant effect on the following European sites:

- River Boyne and River Blackwater SAC [002299]
- River Boyne and River Blackwater SPA [004232]

The conservation objectives of the Natura 2000 sites are as follows:

River Boyne and River Blackwater SAC – Conservation objectives are set out in the ‘Conservation Objectives Series River Boyne and River Blackwater SAC 002299’ documents published by the National Parks & Wildlife Service (NPWS). They are to maintain the favourable conservation condition of alkaline fens and otter, and to restore the favourable conservation condition of alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*, river lamprey, and salmon.

River Boyne and River Blackwater SPA – The conservation objective is set out in the ‘Conservation objectives for River Boyne and River Blackwater SPA [004232]’ document published by the NPWS. It is ‘To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA’. The only qualifying interest listed is Kingfisher.

The possibility of significant effects on Rye Water Valley/Carton SAC listed in Table 8.1 has been excluded on the basis of objective information. No direct effects would occur through land-take fragmentation of habitats given the distance of the site from the SAC.

As illustrated in Table 12.1 above a hydrological connection exists between the site and both the River Boyne and River Blackwater SAC [002299] River Boyne and

River Blackwater SPA [004232]. The hydrological connectivity to these Natura 2000 sites offers a pathway for impact through the movement of contaminated waters.

Contamination of surface and/or groundwaters is the main concern with those features (species) which are ecologically connected to the application site and/or mobile are also at risk of impact through disturbance as well as loss of habitat through contamination of surface waters. Aquatic systems and the species/habitats which are dependent on these systems are sensitive to pollution/contamination of surface waters. Pollution can result from any of the following entering a surface water body or groundwater (Poisonous, noxious or polluting matter, waste matter including silt, cement, concrete oil, petroleum, chemicals solvents, sewage and other polluting matter. Other harmful activities detrimentally affecting the status of a water body need also to be considered. The status of a waterbody can be affected not only by chemical pollution but also by activities directly or indirectly affecting ecology including changes in physiochemical parameters such as temperature and turbidity or physical modification to the hydrology of a water body.

A future on-site electrical substation and cabling will be required to connect the solar farm to the electricity grid and this will be the subject of a separate consent procedure. (Refer to ABP317498-23). Regard is also had to similar proposals for solar farms in the immediate vicinity, both planned and permitted.

7.12.7 Mitigation Measures

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.

7.12.8 Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on the following European Sites: the River Boyne and River

Blackwater SAC [002299] and the River Boyne and River Blackwater SPA [004232], in view of the sites' Conservation Objectives, an Appropriate Assessment (and submission of a NIS) is therefore required.

7.12.9 Appropriate Assessment

The requirements of Article 6(3) as related to Appropriate Assessment of a project under Part XAB, Section 177V of the Planning and 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
- Screening determination
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of each European site.

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

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

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

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

7.12.11 Screening Determination

Refer to AA screening above. Following the screening process, it has been determined that Appropriate Assessment is required. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on the following European Sites: the River Boyne and River Blackwater SAC [002299] and the River Boyne and River Blackwater SPA [004232], in view of the sites' Conservation Objectives. An Appropriate Assessment and submission of a NIS is therefore required.

7.12.12 The Natura Impact Statement (NIS)

A 'Natura Impact Statement' (NIS) prepared by NEO Environmental dated 3 November 2021 was submitted with the application. This examines and assesses potential effects of the proposed development on both the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA.

The document provides information and appraises the potential that both the proposed solar farm and other relevant plans and projects in combination with this would have on the integrity of the relevant European sites in view of best scientific knowledge and the conservation objectives of the sites. The NIS was prepared in line with current best practice guidance and contains, inter alia, a description of the proposed development, the legislative background, detailed commentary on the two relevant European sites, an impact assessment for both sites, consideration of the

in-combination effects, mitigation measures and an assessment of same and conclusion.

The applicant's NIS concluded that the proposed development will not adversely affect the integrity of any Natura 2000 designated site due to measures incorporated during the design phase and following relevant guidance to prevent pollution during the construction and operation phases. With the implementation of mitigation measures along with ongoing monitoring to ensure compliance, it is considered that proposed development will not have a significant effect upon any qualifying features, and therefore the integrity, of the Natura 2000 sites connected with the application site.

Consultations and submissions

No issue specific to AA was raised by any prescribed bodies. The submitted third party appeal questions the adequacy of Appropriate Assessment under the EU Habitats Directive. Concerns are raised particularly with respect to the issue of run-off and possible impacts of pollution from chemical/metal escape to groundwater.

Having reviewed the documents, I am satisfied that the information submitted by the applicant allows for a complete assessment of any adverse effects of the proposed development on the conservation objectives of the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA alone, or in combination with other plans and projects.

7.12.13 Appropriate Assessment of Implications of the Proposed Development

The following is a summary of the objective scientific assessment of the implications of the project on the Qualifying Interest (QI) and Special Conservation Interest (SCI) of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed, and mitigation

measures designed to avoid or reduce any adverse effects are considered and assessed.

The following sites are subject to Appropriate Assessment:

- River Boyne and River Blackwater SAC (Site Code 002299)
- River Boyne and River Blackwater SPA (Site Code 004232)

A description of the sites and their Qualifying Interests QI/ Special Conservation Interests SCI, including any relevant attributes and targets, are set out in the NIS, and summarised in Tables 12.1, 12.2 and 12.3 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

7.12.14 Aspects of the Proposed Development that could affect Conservation Objectives

Sections 1.77 to 1.98 of the NIS outline the 'Assessment of Likely Impacts affecting the River Boyne and River Blackwater SPA' and River Boyne and River Blackwater SAC. In relation to the SPA site the applicant concludes that as suitable habitat for kingfisher is not present directly within the proposed development footprint then construction of the proposed solar farm will not lead to direct loss of habitat for this species and it is therefore considered that the proposed development will not result in any likely significant effects upon Kingfisher. As the site is hydrologically linked to the SPA and kingfisher may be sensitive to indirect effects from pollution of watercourses with chemicals, contaminants etc. during the construction phase. Also, there may be indirect effects as a result of possible degradation of river habitats decreasing food availability.

As regards the River Boyne and River Blackwater SAC located 8.5km northwest of the site with points of connectivity 10-12km downstream of the site, the potential

occurrence of contaminants and potential effect on water quality during the various phases of development need to be considered.

The main aspects of the proposed development that could affect the conservation objectives of the European sites arise from potential surface water pollution during the construction phase given the hydrological link between the solar farm site and the relevant European sites. No aspects of the operational phase of development have been identified that could affect the conservation objectives.

Tables 12.2 and 12.2 as follows summarise the Appropriate Assessment and site integrity test. The conservation objectives for the two European sites have been examined and assessed with regard to the identified potential significant effect and all aspects of the project, alone and in-combination with other plans and projects. Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed, and clear, precise, and definitive conclusions reached in terms of adverse effects on the integrity of the European sites.

Table 12.2: Appropriate Assessment AA Summary Matrix - River Boyne and River Blackwater SAC [002299]

Summary of key issues that could give rise to adverse effects:

- Water quality impacts due to pollutants or soil/sediment run-off during construction phase

Conservation Objectives NPWS (2021) Conservation Objectives: River Boyne and River Blackwater SAC 002299. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002299.pdf

Qualifying interest feature	Conservation objectives targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Alkaline fens [7230]	To maintain the favourable conservation condition of alkaline fens	No – Alkaline fen habitat distribution is not located in the vicinity of the site	N/A	No likely significant in combination effects.	Yes – Habitat not within Zone of Influence.
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padoin, Alnion incanae, Salicion albae [91E0]	To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padoin, Alnion incanae, Salicion albae).	Unlikely – Alluvial forest is greater than 50km downstream from the site. Any silt or other pollutants that may arise from the project would dissipate over that distance and not result in any adverse impact.	Best practice mitigation	No likely significant in combination effects provided mitigation measures are implemented.	Yes – No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects.
<i>Lampetra fluviatilis</i> (River Lamprey) [1099]	To restore the favourable conservation condition of river lamprey	Yes – Site is hydrologically linked to the SAC and river lamprey are sensitive to direct or indirect effects from pollution of watercourses with chemicals, contaminants etc.	Best practice pollution prevention measures are set out at 1.79 – 1.141 of the NIS and include detailed measures to mitigate impacts to water quality	No likely significant in combination effects provided mitigation measures are implemented	Yes – No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects.

Salmo salar (Salmon) [1106]	To restore the favourable conservation condition of salmon	Yes – Site is hydrologically linked to the SAC and salmon are sensitive to direct or indirect effects from pollution of watercourses with chemicals, contaminants etc. during the construction phase.	Best practice pollution prevention measures are set out at 1/79-1.141 of the NIS and include detailed measures to mitigate impacts to water quality.	No likely significant incombination effects provided mitigation measures are implemented..	Yes – No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects. The NIS considers that, with effective implementation of the mitigation measures, 'there will be no significant effects'.
Lutra lutra (Otter) [1355].	To maintain the favourable conservation condition of otter	Yes – Otter is a highly mobile species and can hold territories from 2km to 20km. As the site is hydrologically linked to the SAC, otters could potentially utilise habitats within the application site. Otters may be sensitive to direct or indirect effects from pollution of watercourses during the construction phase. Possible impact on food sources.	Best practice pollution prevention measures are set out in the NIS and include detailed measures to mitigate impacts to water quality. In addition, specific mitigation measures in relation to otter to prevent exclusion from commuting habitat. (fencing gaps) Excavations to be covered ramped to prevent animal trapping. Pre commencement survey as a precautionary measure.	No likely significant incombination effects provided mitigation measures are implemented	Yes – No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects.
<p>Overall conclusion: Integrity test</p> <p>Following the implementation of mitigation, the construction and operation of the proposed development will not adversely affect the integrity of the River Boyne and River Blackwater SAC either alone or in-combination with other projects. No reasonable scientific doubt remains as to the absence of such effects.</p>					

Table 12.3 Appropriate Assessment AA Summary Matrix River Boyne and River Blackwater SPA [004232]					
Summary of key issues that could give rise to adverse effects: • Water quality impacts due to pollutants or soil/sediment run-off during construction phase Conservation objectives: see https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004232.pdf					
Qualifying interest feature	Conservation objectives targets and attributes	Potential adverse effects	Mitigation measures	In combination effects	Can adverse effects on integrity be excluded ?
Kingfisher (Alcedo atthis) [A229]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA	Yes – Site is hydrologically linked to the SPA and kingfisher may be sensitive to indirect effects from pollution of watercourses with chemicals, contaminants etc. during the construction phase. Also, possible impact on food sources.	Best practice pollution prevention measures are set out at Section 1.99-1.141 of the NIS and include detailed measures to mitigate impacts to water quality.	No likely significant incombination effects provided mitigation measures are implemented.	Yes – No doubt as to the effectiveness or implementation of mitigation measures proposed to prevent direct or indirect effects.
Overall conclusion: Integrity test Following the implementation of mitigation, the construction and operation of the proposed development will not adversely affect the integrity of the River Boyne and River Blackwater SPA either alone or in-combination with other projects. No reasonable scientific doubt remains as to the absence of such effects					

7.12.15 Mitigation Measures

The proposed mitigation measures are set out under Section 1.99-1.142 of the NIS. These mitigation measures concentrate on two features which have been identified as having potential to be impacted by the proposed development namely otter and the aquatic environment. The mitigation presented is divided into Integral Design Measures, Standard Best Practice Measures and Mitigation Measures. The measures outlined will be implemented prior to or during the construction phase of the development.

Integral Design Measures include the provision of 2m buffer around drainage ditches and waterways, 6m buffer from arterial drains. Security fencing to have 10cm gaps to allow free movement of Otter through this site.

Standard Best Practice measures include best practice pollution prevention measures implemented prior to and throughout the construction phase to prevent contaminants entering the aquatic environment. These include measure in relation to plant and equipment storage, spill kits, specific storage requirements for fuels, refuelling and maintenance within designated area, measures specific to the treatment of wastewater from temporary staff facilities and also toolbox talks. Excavations to be securely covered, or a simple means of escape provided at the end of each working day.

Mitigation Measures include provision for precautionary pre commencement survey and further measures dependent on survey findings. The pre-construction otter survey is to be undertaken within 48 hours of construction start. The NIS states that otter surveys can be carried out at anytime of the year but should be avoided following periods of prolonged heavy rainfall when spraints and other signs of offer may be washed away. As part of the proposed development design, security fencing is to have mammal gates or a 10cm gap to allow free movement of otter through the site. All excavations during the construction phase of the proposed development will be securely covered. Where this is not possible, a means of escape (e.g. ramp) and

daily checks must be included to allow safe exit from the excavation. This would prevent the accidental trapping of this species.

A Drainage Management Plan is also included in the NIS with proposed drainage arrangements and specific drainage mitigation outlined. These include for emergency spill and pollution response, construction phase arrangements (swales and attenuation areas to attenuate any increase in surface water flows) and operational phase (cleaning of existing drainage ditches to ensure free flow of water, use of eight newly constructed soak away channels on site, retention of current grass cover on site to maximise bio retention, access tracks to be unpaved and constructed from local stone etc.). Specific Drainage mitigation will include for Clean Water Diversion and Silt Control Measures.

Waste Segregation and Storage details are outlined including measures for storage of fuels and chemicals as per Best Practice Guidance (BPGCS005 – oil Storage Guidelines) and refuelling. In addition, measures in relation to excavation, earthworks, dust and concrete are also included.

The NIS also outlines monitoring measures and states that operations and activities that have the potential to impact on the water environment will be regularly monitored throughout the construction of the development to ensure compliance with any planning conditions and environmental regulations. The OCEMP sets out general pollution prevention measures, including SuDS measures.

7.12.16 Residual Impacts

The NIS states that once all the above mentioned mitigation measures are in place the likelihood of the proposed development impacting the designated sites is lowered. Having regard to the NIS and supporting documentation I am satisfied that it has been demonstrated that the proposed development will not have a significant

effect upon any qualifying features or conservation objectives of the aforementioned Natura 2000 sites and no residual impact is expected.

7.12.17 In-Combination Effects

Existing and proposed plans and projects proximate to the site and those which may have an adverse in-combination impact are set out by the applicant in Section 1.144 - 1.175 of the NIS. These include the National Planning Framework NPF 2040, Regional Spatial and Economic Strategy for the Midland Region and the Meath County Development Plan. As regards projects a number of permitted and proposed developments are considered including a solar farm on lands including Derryclare, Cloneymeath, Ballygortagha and Moynalvy, Summerhill 21958 ABP Ref 312723 which is 1.7km west of the site, a solar farm at Cloneymeath Summerhill 21546 ABP311760 3.8km west of the site and an infilling and reclamation at a site c.2.25km southwest of the subject site (Ref. RA140702), and a solar PV farm to southwest RA170766 which was permitted by the Board in May 2022 (ABP. Ref. 311760-21). The majority of other previous planning applications in the area are small residential or agricultural developments.

I note, pending application ABP 317498 recently lodged with the Board (lodged on 30/06/2023) which seeks permission for 10 year permission for the construction of a 220kV substation compound and all associated works located within the townlands of Woodtown, Co. Meath. It is likely that in the event of permission this development would be carried out in tandem. I consider that subject to implementation of mitigation measures during the construction phase no significant effects to waterways or effects on the qualifying features of the River Boyne and Blackwater SAC or River Boyne and Blackwater SPA would arise. It can therefore be concluded that there is no potential for in combination effects in this regard.

I note that no direct or measurable indirect impacts upon River Boyne and River Blackwater SAC and SPA have been identified with respect to the nearby permitted developments. As noted in first party submissions solar farms have relatively minor footprint due to the panels being mounted on piles and the development has been specifically designed to prevent biodiversity loss. The implementation of biodiversity

management plans (BMPs) at constructed solar farms provide suitable habitat and management regime to enhance the solar farms ecological value for local wildlife, therefore, there will be no cumulative loss of habitat if the proposed development is consented. I am satisfied that the applicant has carried out a sufficient in combination assessment and that the mitigation measures outlined in the NIS will ensure no impacts to the connected designated sites occur.

Integrity Test

Following the Appropriate Assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA, in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with other plans and projects.

7.12.18 Appropriate Assessment Conclusion

The proposed solar farm development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning & Development Act, 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on River Boyne and River Blackwater SAC (site code 002299) and River Boyne and River Blackwater SPA (site code 004232). Consequently, an Appropriate Assessment was therefore required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of European site Nos. 002299 or 004232, or any other European site, in view of these sites Conservation Objectives. This conclusion is

based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA.
- Detailed assessment of the in-combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of River Boyne and River Blackwater SAC.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of River Boyne and River Blackwater SPA.

8.0 **Recommendation**

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

Reasons and Considerations

Having regard to:

- (i) European, national, regional, and county level support for renewable energy development such as:

the government's Climate Action Plan 2021

the government's Project Ireland 2040 National Planning Framework

the Regional Spatial & Economic Strategy 2019-2031 published by the Eastern and Midland Regional Assembly

the Meath County Development Plan 2021-2027 as adopted by Meath County Council,

(ii) the nature, scale, and extent of the proposed development,

(iii) the documentation submitted with the application, including the Natura Impact Statement, Planning Statement and appendices, and the outline Construction and Environment Management Plan,

(iv) the nature of the landscape and any specific conservation or amenity designation for the site,

(v) mitigation measures proposed for construction, operation, and decommissioning of the site, and

(vi) the submissions on file including those from prescribed bodies, the planning authority, and other third parties,

it is considered that, subject to compliance with the conditions set out below, the proposed development:

- would be in accordance with European, national, and regional renewable energy policies and the provisions of the Meath County Development Plan 2021-2027,
- would not seriously injure the visual or residential amenities of the area, or otherwise, of property in the vicinity,
- would not interfere with a protected view and prospect of importance, or have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage,
- would not have a significant adverse impact on ecology,

- would be acceptable in terms of traffic safety and convenience, and,
- would make a positive contribution to Ireland's renewable energy requirements.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 28th day of April 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. . (a) The permission shall be for a period of 35 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

(b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, control building,

CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

(c) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

Reason: To enable the planning authority to review the operation of the solar farm over the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

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

Reason: In the interest of clarity.

- 5 The mitigation measures identified in the Natura Impact Statement and other plans and particulars submitted with the planning application shall be implemented in full

by the developer, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.

6. (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.

(b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.

(c) Cables within the site shall be located underground.

(d) The MV Power Stations shall be dark green in colour. The external walls of the substation buildings shall be finished in a neutral colour such as light grey or off-white and the roof shall be black/grey.

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

7. Before construction commences on site, details of the structure of the security fence showing provision for the movement of mammals at regular intervals shall be submitted for prior approval to the planning authority.

Reason: To allow wildlife to continue to have access across the site and in the interest of biodiversity protection.

8. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to commencement of any operation including hydrological and geotechnical investigations relating to the proposed development,

(b) employ a suitably qualified archaeologist prior to commencement of development. The archaeologist shall assess the site (including archaeological testing) and monitor all site development works.

The assessment shall address the following issues:

- (i) The nature and location of archaeological material on the site, and
- (ii) The impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority, and arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements

(including, if necessary, archaeological excavation) prior to commencement of construction works.

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

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

9. (a) The landscape and ecology management plan shall be carried out within the first planting season following commencement of development.

(b) Landscaping and planting shall be carried out in accordance with details contained in the Biodiversity Management Plan

(c) All existing hedgerows (except at access track openings, entrances or at locations that require thinning as indicated) shall be retained notwithstanding any exemptions available and new planting undertaken in accordance with the plans submitted to the planning authority with the application.

(d) All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with

others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

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

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

11. The developer shall comply with the transportation requirements of the Planning Authority for such works and services as appropriate.

Reason: In the interest of traffic and pedestrian safety.

12. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and, shall otherwise comply with Technical Appendix 4 Flood Risk

Assessment and Drainage Impact Assessment submitted to the planning authority on 22nd November 2021.

Reason: In the interests of environmental protection and flood prevention.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of public roads which may be damaged by the transport of materials to the site coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the

developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Bríd Maxwell
Planning Inspector

14th November 2023

Appendix 1
Form 1 EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-314058-22		
Proposed Development Summary	10-year planning permission for the construction of solar PV development on a c.206 ha site.		
Development Address	Culmullin, Woodtown Arodstown and Summerhill Co Meath		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes	<input type="checkbox"/>	Class	EIA Mandatory EIAR required
No	<input checked="" type="checkbox"/>		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No	<input type="checkbox"/>	N/A	No EIAR or Preliminary Examination required
Yes	<input checked="" type="checkbox"/>	Class 1 of Part 2 of Schedule 5 (a) Projects for the restructuring of rural land holdings, where the length of field boundary to be removed is above 4 kilometres, or	Proceed to Q.4

		where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.		
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4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-314058-22	
Proposed Development Summary	10-year planning permission for the construction of solar PV development on a c.206 ha site.	
Development Address	Culmullin, Woodtown Arodstown and Summerhill Co Meath	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The overall development is a novel development in this rural area and will involve a change from agricultural (pasture and tillage) use to renewable energy and ancillary grazing use.</p> <p>The extent of hedgerow boundary removal is minimal and not exceptional in the context of this rural area, and the development will not result in significant emissions to the environment.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having</p>	<p>The scale of development is exceptional in the context of surrounding development, but not exceptional for solar energy developments. The extent of hedgerow removal is not significant (>200m) and is significantly below the threshold for Rural Restructuring set out in Part 2 of Schedule 5.</p> <p>It is not considered that there is any likelihood of significant cumulative effects with other existing or permitted developments in the area.</p>	No

<p>regard to other existing and/or permitted projects?</p>		
<p>Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The site does not comprise, and is not located proximate to any, ecologically sensitive site or location. The site is connected to the River Boyne and River Blackwater SPA and these designated sites have been assessed in the Appropriate Assessment. Having regard to the nature of the connections and the nature of works proposed, significant effects on the environment are not likely. There are no adjoining protected structures. An Archaeology and Architectural Heritage Impact Assessment adequately addresses issues in this regard. Boundary removal will not significantly impact on cultural heritage.</p>	
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment. EIA not required.</p>		

Bríd Maxwell
Planning Inspector

14th November 2023