



An
Bord
Pleanála

Inspector's Report ABP-319662-23

Development	110kV substation and loop-in connection associated with an approved solar PV development.
Location	Castletown, Navan, County Meath
Planning Authority	Meath County Council.
Applicant	Mill Farm Solar Project Limited.
Type of Application	Electricity Application Section 182A of the Planning and Development Act 2000 (as amended)
Observer	Garry McCabe
Prescribed Bodies	Meath County Council DoHLGH Transport Infrastructure Ireland
Date of Site Inspection	14 th August 2024
Inspector	Philip Davis.

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1.0 Introduction

This application is under Section 182A of the Planning and Development Act as amended for a 110KV substation and loop-in connection in central County Meath. The substation is required to facilitate a permitted solar power station of c.97 hectares in extent on the overall landholding. This was permitted by Meath County council under **MCC Reg. Ref 22/1044**.

A pre-app for the proposed development (**ABP-314006-22**) determined that the application fell within the scope of S.182A of the Act, as amended, and so a direct application to ABP was required.

An NIS is submitted with the application.

2.0 Site Location and Description

2.1. Ricetown and environs

The proposed apparatus is located in the townland of Ricetown in north County Meath, 2km east of the village of Castletown, 1.5 km from the small settlement of Lobinstown, and approximately 14km north of Navan. The area is rural in nature, with high quality grazing lands over well drained gravels in large open fields bounded by ditches and hedges. The topography is gently undulating, mostly between the 50 to 70 metres AOD contour line. The townland is served by a single private road, approximately 2 km in length, extending south from a third class road to the north (known as Lobinstown Road) and connecting to another third class road to the south via an extension to the track and a cul-de-sac public road. The private road serves a farm complex and a substantial sand and gravel extraction operation (currently not operating). The N52 National Secondary Road connecting Ardee to Kells runs approximately 2 km to the north, while the R162 between Navan and Nobber runs some 3km to the west.

2.2. Site of Proposed development

The site is located in farmland on the south side of a private road, adjacent to some farm buildings and approximately 500 metres south-west of a former sand and gravel extraction area within the landholding. The site area is given as 3.6 hectares

in the submission documentation, but it is within a much larger landholding of just over 97 hectares which includes agricultural land and a sand and gravel quarry. The land is undulating and agricultural in nature, with a mix of arable grain on the best land with some sheep grazing and scrub.

The site is accessed from the north via a metalled private road, used for both agriculture and the sand and gravel extraction operation. A cul-de-sac narrow third class road runs from the south, terminating at a farm gate next to a stream, the Killary Water (also called Killary Stream). This continues as a track to a series of farm buildings next to the site, accessed via a spur going up a steep incline. The site is directly north of a 110KV line which runs approximately east to west across the landscape. The site is on a local high point and at the time of my site visit was in arable (grain) use. To the south of the site is an area of wetland vegetation (dry at the time of my site visit), with a drain running east to join the Killary Stream, a tributary of the River Dee, which flows into Dundalk Bay. Small parts of this wetland area are included in the red lined area, but the main site for works is entirely on agricultural land.

3.0 Proposed Development

The proposed development is described as a 110kV loop-in substation with associated works comprising the following main elements:

- A 110 kilovolt (kV) Air Insulated Switchgear (AIS) loop-in substation with associated compound, including control and operational buildings, electrical plant, equipment, cabling, lighting, CCTV, lightning masts, drainage infrastructure, security palisade fencing and all associated and ancillary works necessary to facilitate the development.
- Erection of 2 no. overhead line end masts (c.20 mm high) and 2 no. lattice gantries (c.16m high) and associated overhead cabling to enable a loop-in/loop-out grid connection to National Grid via the existing Meath Hill-Gorman 110kV overhead lines located above the site.

In addition, the works will include site drainage and permanent signage. The road layout makes use of the existing onsite access road and tracks associated with the adjacent permitted solar farm development

In addition to supporting correspondence and plans and particulars, the application documentation includes:

- Planning Report
- EIA Screening
- Appropriate Assessment Screening
- Natura Impact Statement
- Ecological Appraisal
- Noise Impact Assessment
- Flood Risk Assessment
- Construction Waste Management Plan
- Landscape and Visual Impact Assessment
- Photomontages

4.0 Planning History

A pre-App confirmed that the site was strategic infrastructure in accordance with S.182A of the 2000 Act, as amended (**ABP-317988-23**) on the 1st February 2024.

The site and landholding

There are no planning records for the red lined site, but a number of permissions relating to the overall landholding.

In February 2023 Meath County Council granted a 10-year permission for a solar PV development on a total site area of 97.05 hectares with associated infrastructure (**MCC reg. ref 22/1044**). This is the solar farm for which this S.182A application is intended to facilitate. Work has not yet commenced on site. This site incorporates the lands to the north, north east and north west of the site (including the sand and gravel quarry), and the remainder of the field to the south-east of the site down to the boundary with the Killary River. It does not include the current site within the red lined area.

In 2016 The Board refused an application under Section 37E of the 2000 Act, as amended for a windfarm consisting of 46 turbines with associated infrastructure

(17.PA0038). The lands for this proposed windfarm covers much of the current landholding. The reason for refusal was that it was considered that the scale, extent and height proposed would visually dominate the rural area and would not align with the Wind Energy Development Guidelines.

In 2003 Meath County Council granted permission with conditions for a 5.29 hectare sand and gravel pit (**MCC Reg ref. SA20181**). This pit has been used, but appears to be currently not operating – it is approximately 700 metres to the north-east of the site.

Wider area

There is a current application with Meath County Council (**MCC Ref Ref. 231082**) for a c.131 hectare solar farm on lands to the south-east of the current site. This is south of the Killary Road and covers an extensive area in the townlands of Killary, Lobinstown, and Rathkenny. As of the time of writing this report, a response to a further information request by the planning authority is pending.

5.0 Policy Context and Submissions

5.1. Development Plan

The site is in open countryside without a zoning designation in the Meath County Development Plan 2021-2027 (a consolidated version was adopted on the 13th May 2024 incorporating a number of variations, none of which are relevant to the current application).

Policy on electrical infrastructure and solar energy is set out in a series of policies in Section 6 of the CDP, specifically 6.15 on Energy. Relevant policy objectives include:

- INF POL 34** To promote sustainable energy sources, locally based renewable energy alternatives, where such development does not have a negative impact on the surrounding environment (including water quality), landscape, biodiversity, natural and built heritage, residential or local amenities.

- INF POL 35** To seek a reduction in greenhouse gases through energy efficiency and the development of renewable energy sources utilising the natural resources of the County in an environmentally acceptable manner consistent with best practice and planning principles.
- INF POL 36** To support the implementation of the National Climate Change Strategy and to facilitate measures which seek to reduce emissions of greenhouse gases.
- 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, wind, geothermal, hydro and bio-energy at suitable locations within the County where such development does not have a negative impact on the surrounding environment (including water quality), landscape, biodiversity or local amenities so as to provide for further residential and enterprise development within the county.
- INF OBJ 41** To promote the generation and supply of low carbon and renewable energy alternatives, having regard to the opportunities offered by the settlement hierarchy of the County and the built environment.
- INF OBJ 45** To ensure that all plans and projects associated with the generation or supply of energy or telecommunication networks are subject to an Appropriate Assessment Screening and those plans and projects which could, either individually or in-combination with other plans and projects, have a significant effect on a Natura 20000 site (or sites) undergo a full Appropriate Assessment.
- INF POL 46** To support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the County and to facilitate new transmission infrastructure projects that may be brought forward during the lifetime of the plan including the delivery and integration, including

linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner.

INF POL 48 To ensure that energy transmission infrastructure follows best practice with regard to siting, design and least environmental impact in the interest of landscape protection.

INF OBJ 50 To seek the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner.

5.2. EU, National and Regional policy

EU, National and Regional policy with regard to renewable energy and infrastructure generally supports proposals for renewable energy with specific targets for solar energy set out in national policy.

EU renewable Energy Directive 2009/28/EC

Promotes and sets out legally binding targets for renewable energy.

European 2020 Strategy for Growth,

Sets out targets for renewables and greenhouse gas emissions.

EU 2030 Climate and Energy Framework

A longer-term framework than the above for cuts in greenhouse emissions and renewable energy.

EU Energy Roadmap 2050

Sets out differing options for achieving above mentioned goals.

REPowerEU Plan

A recent EU Plan issued May 2022 with an objective to phase out Europe's dependency on Russian energy imports as a matter of urgency.

Climate Action and Low Carbon Development Act – Department of Communications, Climate action and Environment 2015:

This Act sets out a roadmap for Ireland's transition towards a low carbon economy and details mechanisms for the implementation of the National Mitigation Plan (NMP), published in July 2017. The aim of these mechanisms is to lower Ireland's level of greenhouse emissions. In addition, the Act requires a National (Climate Change) Adaptation Framework (NAF) to provide responses to changes caused by climate change.

National Adaptation Framework - Planning for a Climate Resilient Ireland - Department of Communications, Climate Change and the Environment - 2024

Sets out Ireland's first statutory strategy for the application of adaptation measures in different Government sectors, including the Local Authorities. This 'NAF – Planning for a Climate Resilient Ireland' was published on 19 January 2018 and subsequently updated. The Framework aims to reduce the vulnerability of the State to the negative effects of climate change but also seeks to promote any positive effects that may occur.

National Mitigation Plan 2017 (updated January 2021)

Sets out a pathway to achieve deep decarbonisation in line with overall Government policy objectives and EU renewable Energy targets for 2030.

National Energy & Climate Plan 2021-2030

Sets out a detailed statutory set of targets for achieving a 51% reduction in CO₂ emissions with net zero at 2050.

Climate Action Plan (2024)

Sets targets for the proportion of renewable energy in the mix – up to 80% by 2030.

National Development Plan 2021-2030

As part of Project Ireland 32040 the NDP sets out an overall investment strategy and budget for the period to 2030. Policy NSO 8 addresses the need for development to be climate neutral and the need to build a climate resilient society by way of a co-ordinated programme of investment in grid scale renewable energy with associated electricity transmission networks.

National Planning Framework.

Sets out a number of objectives for achieving reductions in CO2 emissions, specifically NPO 47 and NPO 55 with regard to renewable energy. National Policy Objective NPO 8 seeks to drive a transition towards a low carbon and climate resilient society. This policy objective will seek to drive investment choices to mirror goals set down within the National Mitigation Plan and National Adaptation Framework incorporating a more renewable energy focused approach prioritising energy sources such as solar, wind and wave.

Eastern Midlands Regional Spatial and Economic Strategy 2019-2031

Sets out an integrated policy to enable the creation of sustainable regions with the capability to be resilient to future climate change. The Regional Policy Objectives (RPOs) contained in the RSES are designed to promote efficiencies in water and energy use and the move towards a low carbon economy. **RPO 7.31** requires Local Authorities to develop Climate Action Strategies (CAS) as well as local climate adaptation and mitigation strategies. The Meath Climate Action Strategy was adopted in September 2019.

5.3. **Natural Heritage Designations**

There are no European designated sites within 10 km of the site. The lands drains into the Killary Water, which is one of the tributaries of River Dee, which drains to the **Dundalk Bay SAC and SPA, site codes 000455 and 004026**, over 20km to the north-east. These sites are designated with qualifying interests relating to estuarine and littoral habitats, and overwintering waterfowl. The **River Boyne and River Blackwater SAC (site code 002299)** is located over 10km to the north, with qualifying interests relating to freshwater habitats and vertebrates including lamprey, salmon and otter.

5.4. EIA

With regard to EIA, the applicant submitted a Screening Report which concluded that EIA was not required.

5.4.1. Part 1 of Schedule 5 (projects requiring EIA)

Under Part 1 of Schedule 5, the applicable class for power lines is class 20:

Construction of overhead electrical power lines with a voltage of 220kilovolts or more and a length of 15 km.

The proposed works do not involve the construction of overhead power lines – all proposed lines are underground. The proposed voltage is 110kV, under the criteria. I conclude therefore that the proposed works do not fall within Part 1 of Schedule 5 and as such a requirement for mandatory EIA does not apply.

5.4.2. Part 2 of Schedule 5 (projects which may require EIA – i.e. subthreshold)

Relevant classes under Part 2 of Schedule 5 are as follows:

1(a). Agriculture

Projects for the restructuring of rural land holdings, where the area to be restructured would be greater than 100 hectares.

3. Energy Industry:

3(b): transmission of overhead cables not included in Part 1 of this Schedule, where the voltage would be 200kv or more.

10. Infrastructure projects:

10(dd): 'All private roads which would exceed 2000 metres in length'.

13. Changes, extensions, development and testing

Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

- (i) *result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and*
- (ii) *(ii) result in an increase in size greater than –*
 - *25 per cent, or*
 - *an amount equal to 50 per cent of the appropriate threshold,**whichever is the greater*

5.4.3. Characteristics of the proposed development

Schedule 7 sets out the criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to EIA. The characteristics of the development with regard to the criteria set out within Schedule 7 are attached in the tables in the appendix to this report.

With regard to the location of the proposed development (Schedule 7(2)), the site is located primarily on intensively worked lands with minimal environmental sensitivity. It is within 100 metres of a watercourse and an area of uncultivated semi-wetland. This watercourse and associated area of wetland are not designated as EU sites or NHA, nor are they identified in the development plan as having specific sensitivity. The watercourse discharges to Dundalk Bay via more than 20km or channel – the Bay is designated SAC and SPA for estuarine and coastal habitats. The site is just under 2km from the nearest village, Lobinstown. The nearest major settlement is Ardee, 12km to the north-east. There are no landscapes of historical, cultural or archaeological significance within the immediate area of the site. The site is not close to any national border.

The EIA Screening submitted by the applicant addresses all the criteria set out within Schedule 7 of the 2001 Regulations, as amended. It concludes that:

Having regard to the characteristics of the proposal in consideration of the size, nature, location and characteristic of the potential impacts, it is considered that the proposed development would not introduce any new or additional effects of a significant or adverse nature such to have a significant effect on the environment or warrant an EIA.

I am satisfied that this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment. The Environmental Report submitted with the application addresses a variety of environmental issues and assesses the impact of the proposed development in addition to cumulative impacts with regard to other permitted developments in proximity to the site and demonstrates that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment.

Due to the size, nature and scale of the proposed development, as summarised in the EIA Screening Determination attached to this report, I am satisfied that under Part 2 of Schedule 5 of the regulations, classes 1(a), 3(b), 10(dd) and 13 do not apply. As the works do not require the restructuring of a rural landholding in excess of 100 hectares nor the commencement of use of uncultivated land or the drainage of land, I am satisfied that the requirements under agricultural works set out within the 2006 Regulations (as amended) do not apply.

The observer to the application has argued that the Screening did not adequately address climate change. I note that the points raised relate primarily to the solar farm that has been granted permission by Meath County Council. But even addressing the interactions between these projects, the permitted development and the proposed development would contribute to Ireland meeting its stated objectives if they are constructed, and as such there is no basis under Schedule 7 for considering that this would have a likely or significant effect on the environment in accordance with the criteria set out in the Regulations.

5.4.4. Conclusions

I have assessed this Screening with regard to publicly available sources of information on the local environment and my observations during my site visit. I am satisfied that the screening has had full regard to the nature of the site and the surrounding area and represents an accurate assessment of the nature of the site. The site itself is grazing land with minimal environmental significance and the overall area is robust with no sensitive receptors nearby.

I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined

the sub criteria having regard to the Schedule 7 information and all other submissions, and I have considered all information which accompanied the application including the Environmental Report, associated documents and all plans and particulars and other related reports submitted with the application, in addition to my observations of the nature of the site and local area made during my site visit. The EIA screening report prepared by the applicant under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that this report is comprehensive and satisfies regulatory requirements in accordance with the criteria set out in the Regulations. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR. I conclude that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment and do not require an EIAR. The proposed development does not have the potential to have effects of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility.

In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

5.5. **SUBMISSIONS**

Meath County Council.

In a substantial report, MCC outlines the overall planning and locational context of the proposed development. It is noted that in internal consultations, there was no objection with regard to flooding and drainage, but conditions are requested for drainage. A condition on monitoring was also requested by the Council archaeologist. It is noted that a condition attached to the overall solar farm

permission relates to prior agreement with the planning authority on access issues, and the Board is requested to consider this in its decision.

With regard to impacts, it is noted that the site is visible from St. Olivers Terrace in Lobinstown, and ABP is requested to consider the impact on this protected view. It is suggested that ABP place a condition on proposed finishes for the structural elements – it is noted that no lighting pole design was provided with the application. It is also requested that ABP consider additional mitigation by way of landscaping.

Additional points are as follows:

- It is requested that the Council has an opportunity to review the construction management plan prior to the commencement of any works.
- ABP is requested to set a condition relating to monitoring works for any archaeological remains, although it is noted that the AIA for the solar farm works identified the lands as having low archaeological potential.
- It is requested that ABP set a condition that drainage issues be agreed with the planning authority prior to the commencement of any works.
- It is requested that a maintenance contract is conditioned on the works.
- It is requested that ABP attaches a condition to ensure that all relevant mitigation measures as set out in the NIS and CEMP are followed, and that an Ecological Clerk of Works is appointed. ABP is also requested to seek the implementation of a biosecurity management plan for all works.
- Further conditions are requested with regard to hedgerow plantation, the restatement of existing features after construction, the provision of artificial lighting and decommissioning. The report sets out 31 no. requested conditions.

Department of Housing, Local Government and Heritage

Notes that no Archaeological Impact Assessment (AIA) is included. Notes reference in the Planning Statement to an AIA produced for the associated solar farm, but this has not been provided. The Board is requested to clarify the issue of an AIA if further information is being requested.

Notwithstanding the above, it is requested that ABP set a standard archaeological condition if it is minded to grant permission.

Transport Infrastructure Ireland

Notes requirements in the DoECLG guidance '*Spatial Planning and National Roads Guidelines for Planning Authorities*' (2012).

Sets out a number of items that require confirmation on access to the site over that set out under Section 3.4 of the submitted CEMP. These include:

- Consultation with TII, PPP Companies, contractors and road authorities regarding haul routes:
- Any proposed works to the national road network to facilitate traffic shall be in accordance with TII requirements.
- All proposals agreed with PPP companies, contractors and road authorities be referred to TII.
- All damage to the pavement of the national road network to be rectified in accordance with TII pavement standards.

6.0 Observations

Garry McCabe of Lobinstown, County Meath

- It is argued that it is inappropriate to grant permission to a development that, it is claimed, will not be constructed within the period required for Ireland to meet its 2030 CO2 reduction targets.
- It is argued that EU strategy (REPowerEU) prioritises rooftop solar power, not large solar developments.
- It is submitted (with a copy of visualisations attached), that the photomontage submitted incorrectly depicts the scale of the proposed transformer structures next to the existing barn.
- It is argued that the EIA screening did not adequately consider climate change impacts – refers to EU 'Guidance on integrating climate change and biodiversity into environmental impact assessment'.

- Refers to UK judgment R. vs Surrey County Council with regard to arguing that a permission beyond 10 years cannot be considered as contributing to the 2030 targets for renewable energy.
- It is questioned as to whether it is proposed to construct a wind farm in addition to the solar farm.
- There are no indications of there will be battery storage provided with the application
- It is not stated as to what connection capacity in MW is proposed.

7.0 Assessment

Having inspected the site and reviewed the file documents, I consider that the core planning issues in determining this appeal can be addressed under the following general headings:

- Background and description
- Policy context
- Visual impacts and amenity
- Cultural heritage
- Biodiversity
- Construction and transport issues
- Water and Drainage
- Other issues
- Appropriate Assessment

7.1. Background and description

This application is primarily to facilitate to an existing permission for a solar PV farm 97 hectares in extent permitted by Meath County Council in February 2023 (**MCC reg. ref 22/1044**). A pre-application submission to the Board decided that in accordance with S.182A of the 2000 Act, as amended (**ABP-317988-23**) on the 1st

February 2024 that a direct application to the Board was required. Prior to this, in February 2023 Meath County Council granted a 10 year permission for a solar PV development on a total site area of 97.05 hectares with associated infrastructure (**MCC reg. ref 22/1044**). This is the solar farm for which this S.182A application is intended to facilitate. I note that the same applicant has a current planning application under consideration by Meath County Council for a substantial solar farm south of the lands – this application is currently undecided. It is not specified in the application in this appeal if the proposed transformer will also be required for the proposed solar farm.

7.2. Policy context

The site is on unzoned agricultural land. The adjoining lands (within the same ownership) have an active planning permission for an extensive solar farm with associated infrastructure (**MCC reg. ref 22/1044**).

The overall policy context is set by EU targets for renewables (**Directive 2018/2001/EU**) and related plans and guidance including the **REPowerEU Plan** from 2022 and the **Energy Roadmap 2050**. Irish national policy is set within **the National Planning Framework**, the **Integrated National Energy and Climate Plan 2021-2030**, White Paper 'Ireland's Transition to a Low Carbon Energy Future 2015-2030', the **National Energy & Climate Plan 2021-2030**, the **National Renewable Energy Action Plan** (on foot of Directive 2009/28/EC) and the **Climate Action Plan 2024**. All generally favour the expansion of solar energy within the context of infrastructure and environmental constraints. The adjoining solar farm was granted permission subject to conditions and this decision was not appealed. The **Meath County Development Plan 2021-2027** has a number of strategic objectives which generally seek to facilitate and encourage indigenous renewable energy sources subject to normal planning and environmental considerations, most notably **INF POL 46** and **INF OBV 50**.

The observer to this application has argued that within the context of both EU and national policy, greater priority should be given to rooftop solar over such grid scale developments, and that a 10 year permission is inappropriate as this extends beyond the 2030 period identified in the National Energy and Climate Plan. It is

certainly true that EU policy seeks to encourage rooftop solar and other small scale renewable energy sources, but there is also clearly stated parallel guidance to achieve substantive targets for grid scale infrastructure, and this is reflected in national policy and in MCDP policies INF POL 46 and INF OBV 50. The two objectives are not mutually exclusive. With regard to the 10 year lifetime of the permission, this was granted in the context of a solar farm which will require network connection permission – a 10 year permission is standard for this and this is reasonable in the context of providing flexibility for the applicant. The decision was made within the context of policy extant at that time. In any event, there is nothing to preclude the conclusion that the applicant can complete the proposed solar farm before 2030.

As the proposed development is within an existing landholding with an active permission for a large solar farm, is adjacent to existing electrical infrastructure (110kV line) and is of a type of development that is actively encouraged within EU, national and local plan policy, I would conclude that the proposal should be viewed favourably subject to normal planning and environmental considerations.

7.3. Visual impacts and amenity

The applicants submitted a Landscape and Visual Appraisal (LVA) dated April 2024 in addition to a booklet with a number of photomontages. This LVA follows the methodology set out in UK guidance (Guidelines for Landscape and Visual Impact Assessment, UKLI & GLVIA and the EPA Guidelines on EIA from August 2017). The LVA specifically notes the location is within the vicinity of the permitted solar farm development and has regard to the cumulative impacts.

The site is within an area indicated in the Meath Landscape Character Assessment 2007 as a 'Lowland Area'. In such areas, the potential capacity in such areas is indicated as 'high to medium' for overhead cables, masts and substations (section 1.4.2.2 of the LVA). The LVA concludes that the operational visual impact will be 'medium -low', which will result in a 'moderate' effect.

The site is on a local high point next to a large agricultural barn complex, with an angle tower of the existing 110kV line perhaps most prominent high feature. The lands are intensively cultivated. The works do not include the removal of any boundary features, but there is what appears to be a poorly drained area to the south

which is partially scrubbed over and provides some visual contrast to the cultivated lands. Apart from the cul-de sac road to the south-east, the site is at least 700 metres from the nearest public road, the Killary road to the south. Lobinstown village is 1.7km to the east with a small cluster of houses near Killary Graveyard to the north-east (1.2km distant). Castletown is some 2.4 km to the west. There is a major stud farm and horse training facility around 500 metres to the west. The closest dwelling is on the cul-de sac near Killary townland just under 1 km to the east. There are no areas of significant cultural importance within 1 km of the site.

The topography of the area prevents views towards the site from most angles from north and west. It is most prominent viewed from the Lobinstown direction and from immediately to the south, although I could identify no clear views from the Killary Road or most of the roads running from Lobinstown due to high hedgerows and topography. It is only visible from the cul-de-sac road intermittently and from relatively close to the site. It is likely in line of sight from the rear of some houses within Lobinstown, albeit from around 1.5 to 2 km distance. The LVA notes 3 no. possible viewpoints, indicated as Yellowleas, Knock Road in Castletown and St. Olivers Terrace, Lobinstown (these are indicated in Figure 1.12 of the LVA and are shown in the photomontage). It is concluded in its appraisal that the cumulative effect of the proposed development and the solar farm development will be 'negligible' as viewed from Yellowleas, 'low' as viewed from Castletown, and 'moderate' when viewed from St. Olivers Terrace in Lobinstown. I consider these assessments to be reasonable and accurate.

The observer has claimed a number of anomalies with regard to the submitted viewpoint from Lobinstown in the application and in the previous solar farm application. While there do appear to be some minor inconsistencies, I consider that the submitted photomontages are a reasonable representation of the direct and cumulative impacts.

The planning authority requested a number of conditions, notably for appropriate colours for the major elements of the electrical apparatus, and for landscaping. The application does not include much detail of visual mitigation so I would recommend that if the Board is minded to grant permission conditions are set to this end, although I would note that any additional landscaping should be integrated into the overall landscaping plan for the solar farm.

In conclusion, I concur with the conclusion of the LVA that overall impacts will not be very significant. While it is somewhat unfortunate that the site chosen is at a local highpoint, this seems largely driven by the need to locate close to the existing OHL. I further note that relocating the apparatus to a lower elevation in the landscape could be problematic for drainage and have implications for minimising the ecological impacts of the proposed development. Having regard to the significant separation distance of the site from sensitive receptors such as the dwellings at Lobinstown, the existing use for intensive cultivation, the proximity of the agricultural buildings and the general robustness of this landscape, I consider that the proposed development is acceptable in visual terms.

7.4. Cultural heritage

There are no recorded ancient monuments or protected structures on or close to the site, or within the overall visual envelope. The closest area of cultural importance is Killary Churchyard, where there is a cluster of recorded ancient monuments – this is 1.2 km north-east from the site. An archaeological assessment of the overall lands was submitted with the solar farm application but there is no assessment submitted with this application.

The older OS plans indicate that there was a cornmill complex north-east of the barn (around 200 metres from the site). This mill was on the west bank of the Killary Water stream and included a mill race which ran close to the existing barn. This mill complex and mill race are entirely gone with no visual remains on site or on aerial photographs, apart possibly a drain next to the bridge over this stream. No assessment was made of this within the previous solar farm application.

The DoHGLH noted the absence of an archaeological assessment, and recommended a condition for archaeological monitoring of the site is the Board is minded to grant permission.

The site is heavily cultivated and ploughed and so it seems very unlikely there are substantive or important remains on the site. Notwithstanding this, if the Board is minded to grant permission I consider it reasonable to attach a condition such that excavation works be subject to archaeological monitoring.

7.5. Biodiversity

The site is entirely used for arable grain and there are no watercourses through the site. The red line boundaries are open to surrounding fields, with no ditches or hedges directly adjoining the proposed works. The lands fall steeply to the east and south towards a series of dry ditches and a stream, the Killary Water, which is a tributary of the River Dee, which eventually flows into Dundalk Bay via the town of Ardee. The closest watercourse to the site is around 150 metres from the proposed construction area. East of the watercourse is an area of what appears to be wet scrubland – this is long established it is indicated as uncultivated in the oldest OS maps available.

In addition to the NIS, the applicant submitted an Ecological Appraisal (EA) dated April 2024, and there is also an ecological assessment of the lands that was submitted to Meath County Council with the solar farm application, MCC Ref. Ref 22/1044. The EA with this application sets out a list of habitats on the site and close to the site in Table 9 (section 5.2).

Otter has been recorded in the area, but the overall landholding is considered suboptimal for this species. The EA for the current application includes the outcome of a field survey report which concluded that the habitats on and adjoining this site present offer poor foraging and commuting suitability for bats, with little variety of habitats for bird species.

Notwithstanding issues relating to the designated EU habitats addressed in the AA section below, I do not consider that the proposed development would have a significant impact on biodiversity on the site or in the immediate area. The site is mostly arable farmland with little biodiversity value, although there is some habitat value for the wet undisturbed habitats along the Killary Stream. The cumulative impact with the overall solar farm proposal will not be significant as the latter would include the more sensitive areas of the landholding (including up to the stream boundary) and this was accepted as having no significant impact having regard to the mitigation measures set out in that application.

7.6. Construction and transport issues

The applicants submitted a full CEMP to address construction issues. It is stated that access to the site will be via the L1604 (the road north-east of the site) and the N52, with the existing quarry track and agricultural track being used. It is not intended to use the minor cul-de sac road from Killary townland direction (i.e. from the south). It is not stated if there are to be oversized loads required, but this seems likely given the nature of the proposed development. The junction of the lands and the L1604 are used for the quarry and appears to be fully acceptable for heavy vehicle usage.

The CEMP sets out generic non site-specific measures for the control of pollution, although it is noted that the importation of materials will be minimised by reusing excavation materials where appropriate. It is not stated if it is intended to carry out the works concurrently with the solar farm, but this seems likely.

While the CEMP is generic, the general measures follow best practice for the type of development as proposed. I would consider it acceptable, but if the Board is minded to grant permission I recommend conditions such that details for construction access arrangements be subject to agreement with the roads authority, and if necessary, with the TII and other bodies if oversized loads are to be brought in.

The cumulative site works, including the solar farm, are likely to have similar or lesser traffic during the operational phase than the current land use – agriculture and sand and gravel extraction. I therefore do not consider that any conditions are required to address operational traffic issues.

7.7. Water and Drainage

The site is on an elevated location on well drained soils, with a drop to the south-east towards a natural drain and watercourse approximately 150 metres from the proposed works area. There are no land drains visible within the existing red lined area. The mill race indicated close to the site on older OS plans no longer exists and appears to have been entirely infilled. The Killary stream flows to the north-east, eventually joining the River Dee, which flows through Ardee and into Dundalk Bay.

The applicant submitted a Flood Risk Assessment (FRA) with the application. This indicates that the site is on deep well drained mineral soils, with some alluvial soils to

the north-east, indicating that the site was subject to some flooding in the geological past. The area is underlain by gravels derived from limestones, with greywacke bedrock. The Killary Stream is identified as an OPW Arterial Drainage Channel under the Arterial Drainage Act, 1945. The FRA noted that a site specific flood risk assessment had been submitted with the solar PV application. This indicated that the site is not at risk of flooding during the 0.1% AEP (1 in 1000 year) event. There is no evidence of groundwater flooding on the site or the general area. No springs are indicated in any older mapping.

With regard to pluvial flooding, it is concluded that there are no features of the proposed works that could cause ponding. The replacement of the agricultural land with hardstanding will increase run-off – it is intended in the design that all run-off will run through an oil/petrol interceptor, and then discharge to an attenuation unit on the north-eastern side of the compound. This will ensure no net increase in stormwater run-off from the site.

The report indicates that the lands are not subject to flooding and that the works will not increase downstream flooding due to inbuilt attenuation.

I am satisfied from the information provided that the site is not subject to flooding, and the design adequately addresses issues of drainage and run-off.

7.8. Other issues

I do not consider that there are any other substantive planning or environmental issues in this application.

With regard to the arguments raised by the observer that the proposal does not take full account of current policy on climate change and renewables, I am satisfied that, having specific regard to the current permission for the solar farm on the landholding, the proposed works are consistent with both the planning history of the landholding and national policy on renewables and climate change (including specific targets for reducing emissions). The proposed 10 year lifespan for the permission does extend beyond the 2030 deadline of the National Energy and Climate Plan and the Development Plan, but I consider it reasonable given the need for constant upgrading of appropriate infrastructure and the Energy Roadmap 2050.

I note the suggested conditions from TII, the Department of Housing, Local Government and Heritage and the Local Authority and I consider that they are generally reasonable in principle and recommend that they be set with the permission, although for the most part then can be incorporated into the standard condition on construction management. There is the possibility of oversized loads being brought into this site – this requires specific permission from TII if the national road network is used – I consider that this can be incorporated into the general condition relating to construction.

7.9. **Appropriate Assessment**

The requirements of Article 6(3) as related to appropriate assessment of a project under Part XAB, sections 177AE of the Planning and Development Act (as amended) are considered fully in this section.

The applicant has submitted a screening report for Appropriate Assessment as part of the planning application, dated December 2022, carried out by MWP consultants. The applicant's stage 1 AA Screening 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 applicants AA Screening Report concluded that It cannot be objectively concluded, at this stage, that significant adverse impacts to the following designated Natura 2000 sites will not occur:

- River Boyne and River Blackwater SAC (site code 002299)
- Dundalk Bay SAC (site code 000455)
- Dundalk Bay SPA (site code 004232).

7.9.1. **Stage 1 Screening**

The AA Stage 1 Screening Report describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development. Sites are identified on the basis of a Source-Pathway-Receptor framework in addition to a 15km distance using a desktop study, data requests and a field survey.

No habitats or species listed as qualifying interests for any nearby European Sites or corresponding with Annex I are identified on the main site or landholding. It is noted that the site lies within the Dee_SC_030 Water Framework Directive (WFD) sub-catchment – three waterbodies are identified near the site – two branches of the Killary Stream and the River Dee (shown in Figure 4-2 of the Screening document). The site itself is mostly covered with arable crops, within one drainage ditch identified, with an area of wet willow-alder-ash woodland on one boundary (a small area is within the red lined area of the site). No invasive species were recorded on or close to the site. Table 4-1 outlines desktop information on recorded known reports of invasive species.

Section 4.4 of the Screening outlines other projects or plans or activities with the potential for in-combination effects. It highlights two schemes in particular – the adjoining permitted solar farm (**MCC Ref. ref. 221044**) and a current application for another solar farm to the south-east (**MCC reg. ref. 221044**).

Four European designated sites are identified as within the potential Zone of Interest of the proposal. These are as follows:

Site	Distance	Qualifying interests	Receptor/ connection	Screening Conclusion
River Boyne and River Blackwater SAC, site code 002299	10km	Fens, forests, lamprey, salmon, otter.	No hydrological connection, but potential for otter to utilise habitats within ZOI	Yes
River Boyne and Blackwater SPA, site code 004232	10km	Kingfisher	No hydrological or other habitat connection.	No
Dundalk Bay SAC	25km	Estuaries, mudflats, saline coastal habitats.	Hydrological connection	Yes

Dundalk Bay SPA	25km	Listed coastal breeding/foraging birds	Hydrological connection	Yes
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The Screening concluded that it cannot be objectively concluded, at this stage, that significant adverse impacts to the following designated Natura 2000 sites will not occur:

- River Boyne and River Blackwater SAC (site code 002299)
- Dundalk Bay SAC (site code 000455)
- Dundalk Bay SPA (site code 004232).

With regard to the **River Boyne and River Blackwater SAC**, the site is not in hydraulic continuity with the site, and there is a significant distance (c.10km) such that indirect effects, or those in combination with other plans and projects in the area can be ruled out. However, on the basis of the proximity of the Killary Stream, which is potential otter habitat (although none were identified in the field survey), and the high mobility of this species, it was concluded that there is a plausible pathway for adverse effects on the otter population, albeit a very low possibility. Due to the distance between the sites and the absence of any hydrological or other pathway, adverse affects on the other qualifying interests of this SAC (including Lamprey and Salmon) can be ruled out. However, the otter (*lutra lutra*) is a qualifying interest for this SAC and is known to be sensitive to water pollution and has been known to extend its foraging to the Killary Stream. While unlikely, this is a highly mobile species and can hold large, extended territories, and it cannot be ruled out that it could potentially be present along the Killary Stream, including the closest part to the site. So while an impact by way of habitat disturbance or fragmentation of habitat or pollution seems very unlikely, it cannot be ruled out. I therefore concur with the conclusion of the Screening that impacts on this specific Qualifying Interest should be screened in.

The sole Qualifying Interest of the **River Boyne and River Blackwater SPA** is to maintain the conservation status of the Kingfisher. This bird is not known to use the Dee catchment and there is no suitable habitat in the area. Adverse effects on this QI, and hence the Boyne and Blackwater SPA, can be ruled out.

The site is a significant distance from **Dundalk Bay SAC and SPA**, designated for a range of qualifying interests related to saline and estuarine habitats and species. While there is strong attenuation between the site and the Bay, any impact is likely to be very minor. However, due to the proximity of the site to a tributary of the Dee, which flows to the Bay, and the nature of the works, some adverse effects by way of negative impacts on water quality, primarily during construction works, cannot be ruled out. Direct loss of habitat or alteration of the qualifying habitats of conservation interest can be ruled out due to the nature of the site and the distance from the designated habitats.

I am satisfied from my site visit and all information on file that the Screening submitted is in accordance with established guidelines and represents an accurate scientific assessment of effects. The proposed works are on intensively worked arable lands, but are adjacent to a watercourse which eventually drains, after around 25km, to the Dundalk Bay SAC and SPA. While there is a very high level of attenuation between the site and the estuary and intertidal area of Dundalk Bay, and none of the Qualifying Interests (habitats or specific species) extend beyond the estuarine boundaries, there is still a possibility of impacts by way of pollution/contamination of surface waters, specifically during construction. For this reason, adverse effects cannot be ruled out. I am satisfied that the conclusion is correct that the only pathway for effects on receptors is via water quality – there would be no direct or indirect disturbance and/or displacement of Qualifying Interest species for the Dundalk Bay SAC and Dundalk Bay SPA.

Therefore, in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended and having carried out screening for Appropriate Assessment of the proposed development, it was concluded that it would be likely to have a significant effect on the **Dundalk Bay SAC and SPA, site codes 000455 and 004026** and the **Boyne and Blackwater SAC, site code 002299**. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites in light of their conservation

objectives. The possibility of significant effects on **the River Boyne and River Blackwater SPA, (site code 004232)** has been screened out for the need for appropriate assessment.

Measures intended to reduce or avoid significant effects have not been considered in the screening process.

7.9.2. **Stage 2 - NIS**

The requirements of Article 6(3) as related to appropriate assessment of a project under Part XAB, sections 177AE of the Planning and Development Act (as amended) are considered fully in this section. The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of each site.

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 sites 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).

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 have a significant effect on the following European sites:

- River Boyne and River Blackwater SAC (site code 002299)
- Dundalk Bay SAC (site code 000455)
- Dundalk Bay SPA (site code 004232).

The application included an NIS prepared by MWP consultants dated April 2024. This NIS included a comprehensive description of the proposed development and other relevant proposed/permitted developments in the area, the overall context for the application, and studies including a desk top study based on OS mapping, NPWS online datasets and literature, the National Biodiversity Data Centre, Birdwatch Ireland online resources, Teagasc soil area maps, GSI maps, EPA water quality data and mapping, WFA Eastern River Basin datasets, specific records requested from the NPWS, and Meath County Development Plan survey information. In addition, a field survey was carried out in accordance with the document 'Best Practice Guidance for Habitat Survey and Mapping' (Smith *et al.*, 2011) and 'A Guide to Habitats in Ireland' (Fossitt, J.A. 2000). A walkover study for mammals was also undertaken on the 20th September 2023 for otter.

The NIS includes, in Section 7, a range of mitigation measures as set out in the CEMP and other application documents addressing measures to prevent unnecessary loss of habitat, disturbance to mammals and birds, and in particular, water control measures during construction, operation and decommissioning, to prevent contaminated run-off to the Killary Water

Having reviewed the documents, submissions and consultations, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the identified European sites alone, or in combination with other plans and projects.

Potential adverse affects

The NIS sets out in Tables 4-1 the elements with the potential for an impact. These primarily relate to the construction phase, but include the operational phase (increased human presence, and operational/maintenance works), and the

decommissioning phase works. Table 4-2 sets out the potential direct, indirect and secondary ecological impacts from these phases. These include habitat loss, impacts on water quality, secondary species disturbance through noise, human presence and loss of breeding/foraging area, plus increased light levels.

River Boyne and Blackwater SAC site code 002299

All impacts on qualifying interests apart from the conservation objective to maintain the conservation status of the otter (*Lutra lutra*) were screened out. The SAC is not part of the catchment of the site, is not in hydraulic continuity with the site and there are no species associated with the qualifying interests present on the site, apart from the possibility of foraging otters. The habitats on the site and adjoining areas are considered sub-optimal for the otter. The impact on otter is likely to be restricted to indirect impacts to commuting otter by way of loss of habitat along the Killary stream, disturbance and fragmentation of habitat and pollution.

Section 7 of the NIS (discussed below) sets out measures to address the identified potential adverse effects by way of direct disturbance, indirect disturbance by way of noise and dust, accidental trapping of the animals and habitat loss.

Dundalk Bay SAC and SPA, site codes 000455 and 004026

The only direct or indirect impact on the qualifying interests of both Natura 2000 habitats are identified as deteriorating water quality from construction, operation and decommissioning, via the Killary Water and Dee River. The Bay is considered of high importance for wintering waterfowl in particular, and the habitats comprise estuarine and intertidal sand and mudflat habitats which are potentially sensitive to waterborne pollutants from the Dee and other watercourses entering the bay. It is considered that the dilution and attenuation factor (outlined in Section 6.3 and Section 7 on mitigation in the NIS) is such that there is no significant risk of ground or surface water contamination with the full implementation of the measures set out in the CEMP.

Potential in-combination effects

It is noted that there are two permitted/proposed solar farms in the area – both of which were submitted with full AA, which concluded that there would be no adverse effects (one of which is still under consideration by the planning authority). Both

applications include detailed CEMP's which address the issues of habitat fragmentation/removal and the control of run-off from construction, operation and decommissioning. All other developments identified in the area through a planning permission search are relatively small in scale with just localised impacts and are all more than 1 km from the site. There are EPA licenced facilities in the area, including the Lobinstown WWTP, some 1.8 km from the site, and the Castletown WWTP, 2.3km west of the site. Both these are subject to statutory controls on wastewater discharges.

In regard to these, it is concluded that these are all licensed/registered facilities which, due to their relatively small size and distance from the site would not result in significant in-combination effects on the identified Natura 2000 sites.

Mitigation measures

With regard to protecting the otter population, sections 7.9 to 7.10 of the NIS set out a number of measures to prevent impacts on otter (and other mammals and birds). These include a pre-commencement survey to be carried out to identify any possible presence of otter along the Killary Water prior to works, the covering of trenches out of work hours (to prevent otters getting accidentally trapped), the use of high visibility tape around the construction zone, restrictions of the movement of construction vehicles to the work area only and removing vegetation only outside the nesting season. The surface water drainage system is to be managed and appropriately maintained to prevent contaminated run-off during construction, operational and decommissioning phases in line with the CEMP. I consider that the measures set out would be appropriate to prevent adverse effects on the SAC and the SPA in Dundalk Bay.

Residual effects

Section 8 of the NIS outlines residual effects. It is stated that with the implementation measures set out in Section 7, it is objectively concluded that the significant adverse residual impacts on the Conservation Objectives of any of the identified European sites are not likely to occur as a result of the proposed development, either independently or in combination with other plans or projects.

Conclusion

With regard to the otter, this was screened in on the basis that this species, while identified as a qualifying interest of the Boyne River and associated tributaries, is highly mobile and has been recorded in the vicinity of the Killary Water, although it is not considered to be a particularly high quality habitat for the otter due primarily to water quality and habitat removal issues. The potential adverse effect is, therefore, of a low probability and minor in the absence of mitigation. The proposed mitigation includes for preventing unnecessary habitat loss next to the watercourse, covering excavations, and ensuring that construction traffic is limited to the main construction site where possible. In addition, general water control measures (during construction, operation and decommissioning) are set out to ensure no deterioration in water quality occurs, and noise emissions from the operational unit is limited. I consider these to be in line with best practice and acceptable and as such I concur with the conclusion of the NIS that adverse effects on the otter, and hence the relevant qualifying interests of the Boyne/Blackwater SAC, can be ruled out with scientific confidence. In this I have had specific regard to:

- The distance of the site from the Boyne/Blackwater SAC, the lack of hydraulic connection, and the limited evidence for otter presence in the area.
- The relatively small scale of any works that would impact upon the waterside habitats.
- The low level of noise and other emissions from the operational aspects of the proposed development
- The mitigation measures set out in Section 7 of the NIS and the CEMP, and,
- The measures set out in other proposed/permitted developments in the immediate area.

I conclude the identified potential for effects on the Qualifying Interests of the Dundalk Bay SAC and SPA are by way of the potential for water quality deterioration in the Killary/Dee watercourse having an impact on the water quality of the Bay, which is of noted importance for estuarine and intertidal habitats and overwintering waterfowl. There is very significant dilution due to the distance (over 25km) of the

site from the bay. The Killary Water is identified as having 'moderate' WFD status, as has the Dee River before it flows into the Bay. The primary source of pollution appears to be agricultural run-off.

Section 7 of the NIS and the CEMP set out detailed standard measures for protecting and minimising water run off during construction and mitigation, along with measures to ensure no contaminated material or excess run-off by volume occurs during the operational period. Similar measures are proposed for the permitted solar farm and the solar farm application to the south. The site itself is almost entirely arable land, intensively cultivated, with just a small section of semi natural habitat close to the river. The mitigation measures (for all three stages of the works) are standard for such works and having regard to the nature of the site I consider this to be reasonable and the conclusions of the NIS are correct. I therefore concur with the conclusions of the NIS that there will be no adverse effects on the Dundalk Bay Qualifying Interests (SAC and SPA). In coming to this conclusion, I have had specific regard to:

- The limited nature and scale of the works on what is largely intensively tilled land,
- The dilution/attenuation distance between the site, the adjoining watercourse, and the two Natura 2000 sites,
- The mitigation measures set out in the documentation, and
- The measures set out in other proposed and permitted developments in the area.

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 (site code 002299), the Dundalk Bay SAC site code 000455 and the Dundalk Bay SPA site code 004026 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 plans and projects.

8.0 Recommendation

I recommend that the Board grant permission for the proposed development for the following reasons and considerations, subject to the conditions set out in Section 10 below.

9.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) EU legislation including in particular: the provisions of Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which sets out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union, and the EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy,
 - (b) the National Planning Framework published in February 2018,
 - (c) the Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012,
 - (d) the National Energy and Climate Plan 2021-2030;
 - (e) Other national policy objectives on renewable energy and climate change, ,
 - (f) the provisions of the Meath County Development Plan 2021-2027,
- and also having regard to the following matters:
- (g) the nature, scale and design of the proposed development as set out in the planning application, existing permissions in the area, and the pattern of development in the vicinity,
 - (h) other relevant guidance documents promoting renewable energy;
 - (i) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development, and,

- (j) the submissions and observations made to An Bord Pleanála in connection with the application,

It is considered that subject to the conditions set out below, the proposed Mill Farm 110kV substation would accord with European, national, regional and local planning and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspectors report that the River Boyne and River Blackwater SAC (site code 002299), Dundalk Bay SAC (site code 000455) and the Dundalk Bay SPA (site code 004232) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, including those from prescribed bodies, and the Inspectors assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European sites, namely the River Boyne and River Blackwater SAC (site code 002299), Dundalk Bay SAC (site code 000455) and the Dundalk Bay SPA (site code 004232) in view of these Sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- The likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

- The mitigation measures which are included as part of the current proposal, and
- The conservation objectives for the European Sites

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives and there is no reasonable scientific doubt remaining as to the absence of such effects.

Proper Planning and Sustainable Development and the Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the residential amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would not constitute a traffic hazard and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All the environmental, construction and ecological mitigation and monitoring measures set out in the Planning Report and all other particulars submitted with the application, shall be implemented by the undertaker in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

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

3. The developer shall appoint a suitably qualified ecologist to monitor all works relating to the proposed development and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna identified in the particulars submitted with the planning application are implemented in full in accordance with best ecological practice.

Reason: To protect the environmental and natural heritage of the area.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping and in accordance with the landscaping proposals set out in the particulars. Landscaping details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall include the following:

- a. A plan to scale of not less than 1:500 showing-existing trees and hedgerows to be preserved and details for the protection

of same during the construction and operational phases of the proposed development.

- b. The species, variety, number size and locations of all proposed trees and shrubs which shall comprise predominantly native species.
- c. Details of all hard and soft landscaping works, specifying surfacing materials and finished levels.
- d. Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- e. A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the proposed development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

5. Prior to the commencement of development, the undertaker shall submit for the approval of the planning authority a scheme for the colours and finishes of all externally visible features of the proposed substation, including fencing.

Reason: In the interest of visual amenities.

6. Construction of the proposed development shall be completed in accordance with a construction environmental management plan, details of which are to be agreed with the planning authority prior to commencement of development. The plan shall incorporate the following mitigation measures:

- The location of the site and materials compound, including areas identified for the storage of construction refuse.

- A pre-works survey to establish the presence of otters on or near the site.
- The location of areas for construction site offices and staff facilities.
- Details of site security fencing and hoardings.
- Details of on-site car parking facilities for site workers during the course of construction.
- Details of the timings and routing of construction traffic to and from the construction site and associated directional signage to include proposals to facilitate the delivery of abnormal loads to the site.
- Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- Measures for the protection of all road surfaces, culverts, watercourses and ditches during construction.
- Details of appropriate mitigation measures for noise, dust and vibration, including the monitoring of such levels.
- The containment and bunding of all construction-related fuel and oil within special constructed bunds to ensure that fuel spillages are fully contained.
- Disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- A water and sediment management plan providing for the means to ensure that surface water run-off is controlled such that no silt or other pollution enters the local water courses or drains.

The construction environmental management plan shall be forwarded to the planning authority prior to commencement of development. The developer shall agree in writing with the planning authority a protocol for reporting and managing accidental spillages during the construction and operational stage that may cause soil contamination or surface water pollution.

Reason: In the interest of public health.

7. The developer shall facilitate the protection of archaeological materials or features which may exist within the site. In this regard, the developer shall–
- Notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development,
 - Employ a suitably qualified archaeologist who shall monitor all site investigation and other excavation works and
 - Provide arrangements acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

Reason: To ensure adequate servicing of the proposed development and to prevent pollution

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

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

10. Noise levels from the substation shall not exceed 55 dB(A) rated sound level (corrected sound level for any tonal or impulsive component) at

dwellings between 0800 hours and 2200 hours on any day and shall not exceed 45dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to and agreed with the planning authority prior to commencement of development.

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

Philip Davis

Planning Inspector

5th September 2024