



An
Bord
Pleanála

Inspector's Report

ABP-320755-24

Development

Construction of a solar farm, underground grid connection route and all associated site works. NIS submitted with this application.

Location

Mulhussey, Batterstown, Longtown, Mullagh & Milltown Townlands, Kilcock, Co. Meath

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

231144

Applicant(s)

GP Joule Ireland Limited

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

First and Third Party

Appellant(s)

First Party-

1. GP Joule Ireland Limited

Third Party-

1. Jim Brannick

2. Brian and Vikki O'Carroll (& others)
3. Ruth Brannick
4. Clodagh and Michael Donnelly
5. Damien Brannick & Felicity Keogh
6. John Fagan
7. Wendy Conroy
8. Patrick Duffy
9. Sean Conlon & Paul Conlon
10. Geraldine Fahy and Trevor Sadler
11. Michael Walsh and family

Observer(s)

1. David O'Hanlon
2. Bridget Weldon
3. St. Joseph's National School
4. Patrick O'Keefe
5. Martin & Richard O'Malley
6. Michael & Marion Yallop and family

Date of Site Inspection

05th of December 2024

Inspector

Adrian Ormsby

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 205.15 ha¹. Generally the site can be described as agricultural fields with significant hedgerow and tree boundaries in most places to the surrounding road network. The site is characterised as rural with a number of typical one-off house developments dispersed in the wider area.
- 1.2. The site is generally made up of three parcels of land. Two of these are to the south and south west of a local road- L6217² within the townlands of Batterstown, Longtown and Mulhussey with the third and largest north of the same local road either side of the Jenkinstown Stream and into a narrow strip extending into the junction between the R125 and R156 Regional Roads.
- 1.3. The Mulhussey National School and a number of houses are located along a local road in close proximity to the northern parcels eastern site boundary. I have not been able to identify a name/number of this local road and note the Applicant refers to it as an 'unnamed road'³ and that it appears to be known locally as the 'School Road'.
- 1.4. The existing 220kV Maynooth-Gorman overhead transmission line transects part of the application site in a northwest-southeast direction.
- 1.5. Ordnance Survey Discovery Series Mapping shows the site area generally ranging from a contour of 90m towards its southern extent to 100m towards its northern extent before gradually rising at its northern most point to c.130m in an isolated area near Mullagh crossroads. From observations during site inspection, the site generally appears as relatively low lying and a flat area of agricultural landholding rising gradually to the north.

2.0 Proposed Development

- 2.1. In summary the proposed development comprises a 205.15-hectare solar farm (red line boundary) and underground grid connection route, which is the subject of a separate Strategic Infrastructure Development (SID) application (ABP-320738-24)

¹ Question 11 of application form.

² See Figure 5 of the submitted 'Planning Statement incorporating Environmental Considerations'

³ See section 3.4 of original Traffic Management plan

which I have also prepared a recommendation for. The proposal will have a maximum peak capacity of 190MW⁴.

2.2. The proposal consists of-

- a series of ground mounted solar photovoltaic (PV) panels, mounted on steel support structures and in some areas on concrete shoes to protect possible underground archaeological features,
- 58 electrical transformation enclosures,
- underground cabling,
- 2 no. temporary construction compounds
- the use of
 - existing farm access tracks,
 - existing site entrances (with widening as necessary),
- inverters, CCTV poles and cameras, deer type security/boundary fencing with some areas of boundary development also on concrete shoes,
- landscaping and biodiversity measures and
- all associated ancillary development works ,

2.3. The application seeks-

- A 40 year operational life span from date of commissioning and subsequent decommissioning
- A 10-year planning permission duration

2.4. The application is accompanied by the following documents and information:

- Planning Statement incorporating Environmental Considerations
- Archaeological Impact Assessment (as part of Cultural Heritage Impact Assessment)
- Construction Environmental Management Plan
- Ecology Reports

⁴ Peak capacity as stated in section 3.1 of the 'Planning Statement.....'

- Appropriate Assessment Screening
- Natura Impact Statement
- Ecological Impact Assessment
- Biodiversity Management Plan
- Landscape Management and Maintenance Plan
- Landscape and Visual Impact Assessment (LVIA)
- Environmental Noise Assessment
- Solar Photovoltaic Glint and Glare Study
- Traffic Management Plan
- Site Specific Flood Risk Assessment
- Environmental Impact Assessment Screening
- Public Consultation Event Details
- Statement of Community Consultation
- Associated Drawings and Plans

2.5. The Planning Authority requested Further Information on the 21/02/2024 which in summary related to the following matters-

- Residential amenity concerns due to proximity and separation distances of solar panels including impact of glint and glare and the impacts of construction compounds
- Sight visibility requirements from entrances and forward visibility stopping sight distances
- Flood Risk Management matters
- Further details required regarding hedgerows, trees etc requiring removal, bird surveys, a bat survey, invasive species etc. including revised BMP
- A request for responses to submissions received

2.6. A response to the FI was received on the 10/06/2024. The Planning Authority considered the FI response to be 'Significant' and requested the application to

readvertise the development. The applicant submitted copies of revised public notice on the 20/06/24.

2.7. The FI submission revised the proposal to include as follows-

- Solar panels set back 20m from eastern site boundary (along the school road) at identified residential receptors 160-164 and 215, and a new planting strategy to include treeline belt maintained at 5m height
- Solar panels set back 150m from L6217 from identified residential receptor 19 with 3m hedgerow to be implemented
- Amendments to Glint and Glare Assessment to include one number house omitted from original (No. 215 on the school road)
- Two of the three construction compounds relocated 170m and 200m from nearest dwellings. A letter of consent was submitted in relation to third compound.
- Updated Glint and Glare Report, Biodiversity Management Plan, standalone Winter Bird Report, Interim Breeding bird Report⁵ and Invasive Species Management Plan and updated Noise Impact Assessment

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission on 13/08/2024 subject to 28 conditions generally of a standard nature for such a proposal.

3.1.2. Condition 3 is the subject of a first party appeal and states-

C3- "Within six months of the grant of planning permission, the applicant shall submit a site-specific flood risk assessment and justification test carried out to the satisfaction and prior written agreement of said Planning Authority, which accurately identifies potential flood zones A, Band C throughout the site based on most recent OPW/CFRAMS mapping. Where essential infrastructure (solar panels, inverter/transformer station, substations) are

⁵ Cover sheet is titled 'Bird Survey Report'

found to be located in flood zones A or B, they shall be removed from the proposed development. In such cases, the applicant shall submit a revised site layout plan which clearly illustrates the removal of essential infrastructure from flood zones A and B”

3.2. Planning Authority Reports

3.2.1. Planning Reports

There are two Planning reports on file dated the 20/02/2024 and 08/08/2024. The two reports can be summarised as follows-

- Two formal preplanning consultations were held with the Planning Authority on the 13/07/23 and 05/12/23.
- Nature of the proposed development is generally supported in National, Regional and Local Planning Policy to encourage the reduction in fossil fuels and a move towards a low carbon future.
- Recommended that the mitigation measures in the NIS be included by way of condition in any grant of permission.
- Development is not a type under Schedule 5, nor is it a sub-threshold development for the purposes of Schedule 7 and will not on its own or cumulatively with other projects result in significant effects on the environment and as such an EIAR is not required.
- Increased set back of solar panels from existing dwellings after receipt of FI and subject to mitigation proposed regarding glint and glare the proposal will have minimum to no impacts on residential amenity.
- Construction compound relocated in order to protect residential amenity save for one where a letter of consent has been submitted by nearest dwelling owner.
- Noting recommended refusal of the Environment Flooding Section, a prudent approach taken and considered unreasonable to refuse the proposed development in its entirety given the extent of the subject site within Flood Zones A & B with Condition 3 was recommended.

- FI response is acceptable subject to conditions in relation to hedgerows, trees etc requiring removal, bird surveys, a bat survey and invasive species.
- The position in relation to AA and EIA remained the same in the second planners report.

3.2.2. Other Technical Reports

- Public Lighting-
 - 22/01/24- Comments made regarding lighting
- Transportation-
 - 15/02/24- Further information recommended
 - 11/07/24- No objections, conditions recommended
- Heritage Officer-
 - 15/02/24- Further information recommended
 - No objections, conditions recommended
- Environment Section- Flooding and Surface Water Section
 - 15/02/24-
 - Further Information requested in relation to flooding
 - Conditions recommend in relation to surface water
 - 08/08/24-
 - Essentially recommends refusal in relation to flooding
 - Conditions recommend in relation to surface water
- Environment Section- Water Services-
 - 15/02/24- Further Information requested
 - No objections, conditions recommended
- Fire Officer-
 - Undated- No fire safety certificate required

3.3. Prescribed Bodies

3.3.1. Submissions have been received from the following-

- DoHLGH- Development Applications Units
 - Heritage-
 - Noting the archaeological component of the submitted Cultural Heritage Impact Assessment a condition is recommended.
- The HSE- Environmental Health Officer
 - 31/01/24- no specific objections raised, general requirements recommended for community benefit scheme, identification of wells and specific control measures in the CEMP, noise monitoring during construction and implementation of a formal complaints procedure.
 - 18/06/24- no specific objections raised, recommendations for community benefit scheme, identification of wells and specific control measures in the CEMP, noise monitoring during construction and implementation of a formal complaints procedure.

3.4. Third Party Observations

- 3.4.1. The planning authority received c. 44 no. third party submissions on the original application. A further c. 29 submissions were received in response to the Significant Further Information submitted. The issues raised in all the submissions are generally reflected in the substantive issues raised in the third-party appeals received by the Board.

4.0 Planning History

- 4.1. The following planning applications are considered relevant to the proposed development:

4.2. Within this application site boundary-

- ABP-320738-24- Current SID file for 220kV 'Loop in' Substation, Battery Energy Storage System, Overhead lines, and associated works, **not yet determined**.

4.3. Relevant nearby sites-

- ABP-316372-23- Current File Kildare-Meath Grid Upgrade' - Proposed development of a 400 kV underground cable between Dunstown 400 kV substation and Woodland 400 kV substation- **not yet determined**
- ABP-300746-18- Maighne Wind Farm consisting of up to 47 no. turbines, 1 no. electricity substation and associated works etc. Permission **Refused**

4.4. Pertinent developments permitted/under consideration in wider area

- 22/1508 and ABP-317822-23- Solar PV Farm and ancillary development, c. 2.5km north east of subject site, **not yet determined**
- 21/2214 and ABP-314058-22- Solar PV energy development and associated site works, c. 2.5km north of subject site, **Grant** 14/12/2023

5.0 Policy Context

5.1. National Policy and Legislation

5.1.1. Climate Action Plan (CAP) 2024

5.1.2. The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland's Climate Action Plan. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050 (as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2015), the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon

budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

- 5.1.3. Central to achieving these goals is the strategic increase in the share of renewable electricity to 80% by 2030. To reach 80% of electricity demand from renewable sources by 2030:
- a) Accelerate the delivery of utility-scale onshore wind, offshore wind, and solar projects through a competitive framework;
 - b) Target 6 GW of onshore wind and up to 5 GW of solar by 2025;
 - c) Target 9 GW of onshore wind, 8 GW of solar, and at least 5 GW of offshore wind by 2030;
- 5.1.4. Deliver a streamlined electricity generation grid connection policy and process, and remove barriers, where possible, for the installation of renewables and flexible technologies reducing the need to build new grid, including hybrid (wind/solar/storage) connections.
- 5.1.5. CAP 2024 details the significant changes to enhance the electricity grid's capacity and flexibility. This will accommodate the significant upsurge in renewable energy while ensuring the system's reliability and efficiency. Additionally, managing electricity demand through innovative policies and technologies is crucial for aligning energy consumption with cleaner production.
- 5.1.6. **Climate Action and Low Carbon Development Act 2015, as amended**
- 5.1.7. The Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade. Section 17 amends the principal act such that Section 15(1) requires:

“(1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

- 1. the most recent approved climate action plan,*
- 2. the most recent approved national long term climate action strategy,*
- 3. the most recent approved national adaptation framework and approved sectoral adaptation plans,*

4. *the furtherance of the national climate objective, and*
5. *the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State”.*

“Relevant body” means a prescribed body or a public body.

5.1.8. National Planning Framework 2018-2040 (NPF)

5.1.9. National Strategic Outcome 8 (NSO 8) details new energy systems and transmission grids will be necessary for a more distributed, more renewables focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy. NSO 8 seeks to transition Ireland to a low carbon and climate resilient society

5.1.10. Objective 54 seeks to reduce our carbon footprint by integrating climate action into the planning systems. National Policy Objective 55 promotes renewable energy use and generation at appropriate locations within the built and natural environment to meeting national objectives towards achieving a low carbon economy by 2050. Ireland’s national energy policy is focused on three pillars: (1) sustainability, (2) security of supply and (3) competitiveness. Ireland must reduce greenhouse gas emissions from the energy sector by at least 80% (compared to 1990 levels) by 2050, while ensuring security of supply of competitive energy sources. The transition to a low carbon energy future requires a shift to predominantly renewable energy.

5.1.11. The NPF states;

‘In meeting the challenge of transitioning to low-carbon economy, the location of future national energy generation, for the most part, needs to be accommodated on large tracts of land that are located in a rural setting, while also continuing to protect the integrity of the environment and respecting the needs of people who live in rural areas’.

5.1.12. National Development Plan 2021-2030 (NDP)

5.1.13. The NDP sets out investment priorities underpinning the implementation of the NPF. Chapter 13 deals with NSO 8 Transition to a Climate-Neutral and Climate Resilient Society. Public capital investment choices must contribute to a 51% reduction in

greenhouse gas emissions by 2030 and lay the pathway to achieve net-zero greenhouse gas emissions by 2050. This will require grid-scale renewable electricity generation and storage.

5.1.14. National Biodiversity Action Plan 2023 – 2030 (NBAP)

5.1.15. Ireland's 4th NBAP sets the biodiversity agenda for the period 2023 – 2030. The NBAP has a list of Objectives which promotes biodiversity as follows, Objective 1 Adopt a whole of government, whole of society approach to biodiversity; Objective 2 Meet urgent conservation and restoration needs; Objective 3 Secure nature's contribution to people; Objective 4 Enhance the evidence base for action on biodiversity; Objective 5 Strengthen Ireland's contribution to international biodiversity initiatives.

5.1.16. National Energy Security Framework (April 2022)

5.1.17. The Framework addresses Ireland's energy security needs in the context of the war in Ukraine. It coordinates energy security work across the electricity, gas and oil sectors. The Framework takes account of the need to decarbonise society and the economy, and of targets set out in the Climate Action Plan to reduce emissions. Theme 3 - Reducing our Dependency on Imported Fossil Fuels, focusses on three areas of work:

7.1 Reducing demand for fossil fuels.

7.2 Replacing fossil fuels with renewables, including solar energy.

7.3 Diversifying fossil fuel supplies.

5.1.18. Under 7.2, the statement notes that prioritising renewables is in line with the requirements of the recast Renewable Energy Directive and the EC REPowerEU action statement. The Commission has called on Member States to ensure that renewable energy generation projects are considered to be in the overriding public interest, and the interest of public safety, and the Government supports this request.

5.2. Regional Planning Policy

5.2.1. The Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly 2019-2031

5.2.2. This Strategy sets out 16 Regional Strategic Outcomes (RSOs), which are aligned with international, EU and national policy and which in turn set the framework for city and county development plans.

5.2.3. RSO 9- 'Support the Transition to Low Carbon and Clean Energy'

1. *"Pursue climate mitigation in line with global and national targets and harness the potential for a more distributed renewables-focussed energy system to support the transition to a low carbon economy by 2050. (NSO 8,...)"*

5.3. Ministerial and other Guidelines/Guidance

- The Planning System and Flood Risk Management Guidelines, 2009
- Environmental Impact Assessment-
 - Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment August 2018
 - Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003),
- Appropriate Assessment-
 - OPR (2021) Practice Note PN01 Appropriate Assessment Screening for Development Management
 - 'The Status of EU Protected Habitats and Species' in Ireland 2019 published as a report to the European Commission as required every 6 years under Article 17 of the Habitats Directive⁶

⁶ <https://www.npws.ie/publications/article-17-reports/article-17-reports-2019>

- DoEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC].
- BRE209 - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' 2022 edition.
- Transport Infrastructure Ireland's 'Traffic and Transport Assessment Guidelines May 2014'

5.4. Meath County Development Plan 2021-2027⁷ (CDP)

- 5.4.1. Volume 1 Section 14 of the CDP sets out Zoning Objectives. The site is Zoned- RA - Rural Area with an objective-

“To protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.”

Stated 'Permitted uses' include Sustainable Energy Installations and Utility Structures.

- 5.4.2. The following policies and objectives are also relevant-

Renewables related

- 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),

⁷ Superseded by Consolidated version of the Meath County Development Plan 2021-2027 (incl. Variations 1 & 2) adopted on the 13th May 2024

landscape, biodiversity or local amenities so as to provide for further residential and enterprise development within the county.

- INF POL 47- 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 POL 50 To require that the location of local energy services such as electricity, be undergrounded, where appropriate.
- 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.
- DM POL 27: To encourage renewable development proposals which contribute positively to reducing energy consumption and carbon footprint.
- DM OBJ 76: In the assessment of individual energy development proposals, the Council will take listed criteria into account- (See section 11.8.1 of CDP)
- DM OBJ 77: (section 11.8.2 Solar Energy) In the assessment of individual proposals, the Council will require the following to be submitted as part of any planning application:
 - Glint & Glare Assessment
 - Outline Construction Environmental Management Plan (CEMP)
 - Biodiversity Management Plan
 - Public Consultation details
 - Noise Assessment
 - Socio-Economic Assessment

- EIA Screening
- Ecology Assessment
- Archaeology Assessment
- Traffic & Transport Assessment
- Landscape and Visual Assessment
- Hydrology Appraisal/Flood Risk Assessment
- Decommissioning/Restoration Plan

Flooding related

- INF POL 18 To implement the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan.
- INF POL 20 To require that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoECLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change
- 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 as per the Planning System and Flood Risk Management Guidelines 2009 for Planning Authorities (or any updated guidelines).

Cited by Appellants

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

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

5.5. Natural Heritage Designations

5.5.1. The nearest European sites are-

- the Rye Water Valley/Cartron SAC (001398) c. 6.2 km to the south east
- the River Boyne and River Blackwater SAC (002299) c. 15km to the north west
- the River Boyne and River Blackwater SPA (004232) c. 21km to the north east

5.5.2. Other nearby Nature Conservation sites include-

- the Royal Canal pNHA (002103) c. 4.5km to the south
- Rye Water Valley/Cartron pNHA (001398) c. 6.2km to the south east

5.6. EIA Screening

5.6.1. The Applicant has submitted a 'Screening Report' for EIA. Section 4.1 generally concludes the proposal is not required to be subjected to an Environmental Impact Assessment.

5.6.2. The Applicant has submitted EIA Screening in section 5 against Schedule 7 criteria with information pertaining to in Schedule 7A of the Planning and Development Regulations 2001, as amended provided within. Section 6 of the report generally concludes there is *"no real likelihood of significant effects on the environment arising from the proposed development and as such an EIA is not required in respect of same."*

5.6.3. Notwithstanding the above, the following sets out my own consideration of the proposed development for the purposes of EIA. The Board are referred to Appendix 1 of this report where I have completed- Form 1 Pre-Screening.

- 5.6.4. Solar farms do not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and therefore no preliminary examination, screening for EIA or EIAR is required.
- 5.6.5. As the Applicant has submitted a Screening Report and clearly detailed that it includes information set out in Schedule 7A and Article 103 of the regulations an EIA Screening Determination is required. Please See Appendix 2 Form 3 where I have determined the following:
- 5.6.6. Having regard to-
- The nature and scale of the proposed development, which is not a class of development set out in Schedule 5, Parts 1 and 2 of the Planning and Development Regulations 2001 as amended;
 - The location of the proposed development and nature of the existing site and the pattern of existing and permitted development in the surrounding area;
 - The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;
 - The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
 - The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended, and;
 - The features and measures proposed by the applicant intended to avoid or prevent adverse effects on the environment, including measures identified in the submitted Natura Impact Statement and Flood Risk Assessment (and related Further Information submissions) and other Ecological related reports on file.

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. There is one first party appeal and eleven third party appeals on file. These are generally summarised as set out below-

6.1.2. First Party

- This is an appeal against condition 3 which requires the submission of a site specific flood risk assessment and justification test within 6 months of the grant of permission and requires any essential infrastructure (solar panels, inverter/transformer station, substations) found to be located in flood zones A or B shall then be removed from the proposed development.
- Specific reference is made to ABP-331460-21⁸ in which a similar condition was imposed by the Planning Authority. Reference is also made to ABP-305992-19, ABP-301994-18, P.A. Reg. Ref. 21/225 in Co. Longford, P.A. Reg. Ref. 19/6168 in Co. Westmeath, and P.A. Reg. Ref. 17/11 in Co. Offaly where solar panels are deemed to be water compatible developments.
- The Planning System and Flood Risk Management Guidelines for Planning Authorities' (2009) categorise development as highly vulnerable, less vulnerable, or water compatible, 'Essential infrastructure' is categorised as highly vulnerable with electricity generating power stations, transformers/inverters and sub-stations as examples falling into this category. Uses not listed are considered on their own merits but it is universally known that solar panels are a water compatible development and should not be categorised otherwise.
- The appeal details-
 - proposed solar arrays within flood zone B shall be constructed with the lower panel edge a minimum of 1.5m above existing ground levels,

⁸ This is considered a likely typing error and the Board is instead referred to ABP-311460-21- solar farm at Milltown & Moyagher Lower, Cortown, Kells, Co Meath in which the Board removed a similar flooding related condition in a first party appeal.

which is above 1 in 1000 year – Flood Zone ‘B’ flood depths at these locations.

- Solar panel arrays are not proposed at any location within Flood Zone ‘A’ where flood depths are >1.5m.
 - Bottom ridge of the proposed panels will be completely clear of any flood risk with only the small diameter support piles which support the solar panel arrays located within the flood zone.
 - Solar panel supporting structures will not impede the conveyance of floodwaters or result in the displacement of floodwaters than may occur within any particular location within the site of the proposed solar farm development.
 - Existing ground beneath the proposed panels will remain permeable with no net increase in discharge rate or runoff volume from the site.
 - Any transformers, invertors or other electrical equipment will be sited and located beyond the predictive 1 in 100 year and 1 in 1000 year fluvial flood extents.
 - Surface water runoff from any enclosed transformer or invertor structures shall be discharged to appropriately designed soakaways.
- It is respectfully requested that the Board omits Condition No.3.

6.1.3. **Third Parties**

6.1.4. 11 third party appeals have been received from-

- | | |
|---|--------------------------------------|
| 1. Jim Brannick | 6. John Fagan |
| 2. Brian and Vikki O'Carroll (& others) | 7. Wendy Conroy |
| 3. Ruth Brannick | 8. Patrick Duffy |
| 4. Clodagh and Michael Donnelly | 9. Sean Conlon & Paul Conlon |
| 5. Damien Brannick & Felicity Keogh | 10. Geraldine Fahy and Trevor Sadler |
| | 11. Michael Walsh and family |

6.1.5. I have reviewed the eleven third party appeals in full, the majority of which raise similar issues and include matters also raised in the submissions to Meath County Council.

6.1.6. I am satisfied the substantive grounds of these appeals can generally be summarised as follows-

- Procedural matters regarding shortcoming and quality of submitted application i.e. application should have been invalidated for a number of highlighted reasons.
- Requirements for EIA, O’Grianna judgment, project splitting and cumulative impact considerations including with SID substation.
- The duration of permission is too long
- Overdevelopment of agricultural land, contrary to CDP including ED Pol 19, Industrialisation of agricultural land, loss of prime agricultural land etc. saturation of such uses
- Adverse impacts on Existing Residential including set back and separation distance, devaluation of property, glint and glare, noise etc
- Adverse impacts on Existing Visual Amenity including views from upper floors cumulative impact with similar developments and substation proposed under ABP-320738-24.
- Flooding related matters and the Planning Authority imposition of condition 3.
- Impacts on Wildlife and Biodiversity including adequacy of bird surveys and Habitats Directive, unacceptable risks to protected species, birds, bats and mammals, Conflicts between proposed drawings and recommendations of Biodiversity Management Plan (BMP)
- Traffic related impacts and substandard nature of existing road network
- Lack of consultations etc.

6.2. Applicant Response

6.2.1. The Applicant has responded to each of the 11 third party appeals on the 01st of October 2024. Their response includes a number of Appendices which have also been reviewed in full-

- Appendix 3- Noise Impact Response
- Appendix 4- Arable Crop Area Maps
- Appendix 6- Landscape Visual Impact Response
- Appendix 7- Hydrology Response
- Appendix 8- Glint & Glare Response

6.2.2. The Response is a detailed consideration of the substantive issues raised. The main considerations of the overall response are summarised as follows-

- The Proposed Development is considered to comply with the National Regional and local policy) and all other relevant guidance and best practice advice.
- During the course of the subject application an application for a Strategic Infrastructure Development (SID) i.e. the 200kV Substation has been lodged with ABP⁹. Accordingly the proposed development is not project splitting.
- The applicants contend the submitted planning application and the Further Information response was of the highest standard of professionalism and was validated by MCC. The proposal can be implemented as proposed.
- The proposal provides primary and secondary mitigation for Yellowhammer population.
- The proposal is not Overdevelopment as suggested by Appellants
- The whole extent of the proposed development will not be visible to visual receptors due to intervening perimeter and internal hedgerows maintained to 3m high would partially screen part of the site even from close proximity.

⁹ ABP-320738-24

- A separation distance of 100m seems extreme and unjustified, whilst not based on any specific guidance or scientific basis.
- The LVIA contains a robust visual impact assessment that considered 17 representative viewpoint locations including 14 residential receptor groups.
- Residential amenity issues such as noise, glare and glint have been considered in submitted reports.
- The applicant considers the additional survey conducted in November adequately compensates the missed October period and that the bird surveys are based on complete information.
- The submitted bird report does not state the solar farm will result in a negative impact on Yellowhammer. Mitigation measures have been proposed, which if implemented should allow this species to persist within the site without being negatively impacted.
- A Site Specific Flood Risk Assessment was prepared by IE Consulting and included the Justification Test
- Regarding requirement for EIA refers to the High and Supreme Court judgments in Sweetman, Kavanagh and Treascon v. An Bord Pleanála.
- The proposal is not contrary to ED POL 19 of Meath CDP
- The originally submitted Glint and Glare Report omitted 1 no. residential receptor in error, however, this was subsequently rectified and the amended Glint and Glare Assessment which was submitted as part of the Further Information Response.
- The proposed transport route is capable of accommodating the HGVs associated with the proposed development and agreed with MCC.
- The Government's Renewable Electricity Support Scheme (RESS) requires a Community Benefit Fund to be established equating to between €350 - €400k per annum (€5.25m -€6m over 15 years) for the proposal. This is to be used to support the environmental, social and cultural well-being of the local community.

6.3. Planning Authority Response

6.3.1. A response was received from the Planning Authority on the 01/10/24. It specifically refers to the first party appeal and the third party appeal of Geraldine Fahy and Trevor Sadler. The response can be summarised as follows-

- All matters outlined in the appeal were considered in the course of the assessment of the planning application by the respective Case Officers as detailed in the Planning Officer Reports dated 22nd February 2024 and 14th August 2024 respectively.
- The justification for the inclusion of condition 3 of the grant of permission is included in the Planning Officer Report dated 14th August 2024.
- The Board are requested to uphold the Planning Authority's decision¹⁰.

6.4. Third Party Appellant Response to Other Third Party Appeals

6.4.1. Geraldine Fahy has also submitted a Response to other third party appeals on the 26th of September 2024. These comments can generally be summarised as follows-

- Share views regarding submitted LVIA, impact of glint and glare, health impacts, requirement for EIA and consideration to human health, inconsistencies with the BMP, roads related issues and other matters highlighted.
- Concerned over the covenant proposed by applicant to some landowners
- Reiterates previously raised considerations and concerns
- Refers to legal judgments and claim for private nuisance from potential impacts.

6.5. Observations

6.5.1. Six observations were received from the following-

- Michael & Marion Yallop and family

¹⁰ It is considered the Planning Authority reference to refusal in their response is a likely typing error as their decision was to grant with conditions.

- Martin & Richard O'Malley
- Patrick O'Keefe
- St. Joseph's National School
- David O'Hanlon
- Bridget Weldon

6.5.2. The substantive issues raised by observers are considered generally those already covered in the grounds of appeal.

6.6. Further Responses

6.6.1. Third Party response to First Party Appeal

6.6.2. Two responses have been received to the first party appeal from-

1. John Fagan
2. Geraldine Fahy

6.6.3. In general these don't raise any new substantive matters but add to issues already raised in the appeals and thereafter challenge the response of the Applicants. The following points are highlighted as they could be considered new to the original appeal submissions received-

- Solar panels are electrical generating equipment, are essential infrastructure and should not be located within flood zones as per the Planning and Flood Risk Management Guidelines for Planning Authorities (2009) with no evidence submitted from the applicant to show solar panels and ancillary infrastructure are water compatible and suitable for location within a flood zone.
- Each planning application should be assessed on its own merits and the question of precedent¹¹ should not arise in this instance as suggested by the Applicants. Notwithstanding this, the Applicant has not submitted a site specific flood risk assessment as in the precedent example they refer to and as required by MCC.

¹¹ ABP-311460-21

6.6.4. **Planning Authority Further Response**

6.6.5. A further response was received and in summary details-

- The Planning Authority are satisfied that matters outlined in appeal documentation were considered in the course of its assessment of the planning application by the respective Case Officers as detailed in the two Planning Officer Report.
- It is requested that An Bord Pleanála uphold the decision of the Planning Authority to refuse permission in this case¹².

6.6.6. **Other Responses-**

6.6.7. Further Submissions were received on the Applicants response to 3rd party appeals from-

- St. Joseph's National School
- Clodagh and Michael Donnelly
- Brigit Weldon
- John Fagan

6.6.8. These responses generally repeat previously raised matters. I consider no new material or significantly new matter is raised.

7.0 **Assessment**

7.1. **Introduction**

7.1.1. Having examined the application details and all other documentation on file, including all of the observations and submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

¹² It is again considered the Planning Authority reference to refusal in this response is a likely typing error as their decision was to grant with conditions.

- Procedural Matter- Quality of Drawings and Information Submitted with the Application.
- Principle of Development
- Duration of Permission and Period of Operation
- Requirement for EIA and other Related Matters
- Grid Connection
- First Party Appeal and Flooding
- Impact to Residential and Visual Amenities
- Landscape and Visual Impact Assessment
- Biodiversity and Ecology
- Traffic and Infrastructure
- Other Matters

7.2. Procedural Matter- Quality of Drawings and Information Submitted with the Application.

- 7.2.1. Some Appellants raise significant concerns regarding the quality of the information provided with the application. In particular they refer to discrepancies identified including heights, separation distances, levels, contours, wayleaves and colours used etc. They assert that non-compliance with requirements under the Planning and Development Regulations 2001 as amended are substantial grounds for Judicial Review.
- 7.2.2. The Applicants contend the submitted planning application and the Further Information response was of the highest standard of professionalism and they highlight the application complies fully with Article 23 of the Regulations and was validated by Meath County Council.
- 7.2.3. The Applicants acknowledge in their response to the appeals that reference to wildflower mitigation were in error. They clarify that no wildflower meadows are proposed and this is considered acceptable.

- 7.2.4. The Planning Authority are tasked with validating applications received under Section 34 and considered the subject application to be valid. I have considered the Appellants concerns in this regard. I consider the drawings (which are to scale) and information submitted including at Further Information stage are of an acceptable standard and do provide a reasonable basis for consideration of the application.

7.3. Principle of Development

- 7.3.1. Renewable energy development is supported in principle at national, regional and local policy levels, with collective support across government sectors for a move to a low carbon future and an acknowledgement of 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.
- 7.3.2. 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'.
- 7.3.3. At regional level the RSO 9 of the RSES for the Eastern and Midland Region seeks to 'Support the Transition to Low Carbon and Clean Energy' by pursuing climate mitigation in line with national targets and by harnessing the potential for renewables-focussed energy system to support the transition to a low carbon economy by 2050.
- 7.3.4. The Meath County Development Plan 2021-2027 is supportive of renewable energy in general with INF POL 47 in summary seeking to support and facilitate the development of enhanced electricity supplies and linkages of renewable energy proposals to the electricity transmission grid. DM POL 27 also seeks *"To encourage renewable development proposals which contribute positively to reducing energy consumption and carbon footprint"*. Objective DM OBJ 76 of the CDP sets out the criteria for assessment of individual energy development proposals (see section 5.4 above).
- 7.3.5. The appeal site is located on lands zoned RA (Rural Area) with Sustainable Energy Installations and Utility Structures specifically listed as 'Permitted Uses' in the CDP. The proposal is therefore consistent with the zoning objective.

- 7.3.6. The site is located in two Landscape Character Areas- the Tara Skryne Hills and the 'South East Lowlands' LCA¹³. For the purpose of this section, there are no specific policies or objectives within the CDP restricting solar farms as proposed in either LCA. Furthermore there are no scenic routes in the immediate vicinity of the site.
- 7.3.7. I note Appellant's concerns regarding compliance with ED Pol 19 of the CDP, the industrial nature of the proposed use and the loss of productive agricultural lands.
- 7.3.8. Page 96 of the RSES details-

"Energy production, including renewable energy in the form of wind, solar and biomass have to date largely been provided in rural areas and the location of future renewable energy production is likely to be met in rural areas."

It is also evident that utilising such lands for solar farms is an increasingly common agricultural practice as farmers and landowners diversify their business. The applicant details in their response to the appeal the proposed project will operate with a 'dual use' such as for sheep grazing. It is therefore considered that solar farms are an appropriate land use in this rural area. In this context do not share Appellant's considerations regarding industrialisation and loss of productive agricultural lands. The proposal is not considered contrary to ED Pol 19.

- 7.3.9. The Planning Statement details the underground grid connection route will run underneath private lands and the L6217 public road for approx. 1.7km where it will connect the proposed development to the substation¹⁴. The application includes written confirmation that the proposal will comply with Article 22 (g) (ii) of the Planning and Development Regulations 2001, as amended regarding works to the public road. This has been accepted by the Planning Authority as part of the application validation process. MCC's Transportation Section have raised no concerns in relations to the nature of those works within the public road. The Board will note the northern most parcel of land subject to this application is traversed by the existing Maynooth – Gorman high voltage 220kV overhead lines i.e. the National Grid. The site is an ideal location for the proposed development given the grid connection can be facilitated within the subject application and site boundary subject

¹³ Impacts on Landscape Charter are considered in section 7.9 below

¹⁴ SID Planning application ABP-320738-24

to the Boards determination of ABP-320738-24, which I have also prepared a recommendation on.

- 7.3.10. Overall, the proposed development is clearly supported by national, regional, and local policies in terms of renewable energy. The proposed development at this location is therefore considered acceptable in principle subject to other planning criteria as examined below.

7.4. Duration of Permission and Period of Operation

- 7.4.1. The Applicant seeks a 10-year planning permission for the proposed development and a 40 year period of operation.

- 7.4.2. In terms of the expected construction period I note the following-

- Section 6 of the Construction and Environmental Management Plan (CEMP) states-
 - *“Construction of the proposed solar farm development is envisaged to commence once final planning permission has been obtained. The proposed construction duration is approximately 20 weeks.”*
- Section 3.14 of the Planning Statement states-
“During the construction period (circa. 12 weeks from previous precedent)...
- Section 5 of the Traffic Management Plan states-
“the construction period at the site is currently unknown, based on experience of similar projects, it is estimated that it could be undertaken over a circa 12-week period...”

- 7.4.3. I have not been able to identify any justification in the submitted documentation for the 10 year planning permission to carry out the proposed development. In this regard a period of approximately 20 weeks is considered relatively short in the context of a typical 5 year permission. Should the Board decide to grant permission a standard 5 year permission is therefore recommended.

- 7.4.4. Section 1.4 of the submitted ‘Planning Statement’ justifies 40 years for operation as it is imperative for the funding of the proposed development which I consider reasonable. The Applicant has not sought a permanent permission and in this

context should the Board grant permission for the proposal a temporary permission is considered appropriate.

- 7.4.5. In conclusion a 40 year operational life is considered acceptable.

7.5. Grid Connection

- 7.5.1. The Planning statement accompanying the application details the proposal includes for an underground grid connection route which will run underneath private lands and the L6217 public road for approx. 1.7km where it will connect the proposed development to a future substation. Connection to the National Grid will then be facilitated via the existing 220kV Maynooth-Gorman transmission line that transects much of the site in a north-south direction and is within the application site boundary.
- 7.5.2. The Board are referred to current SID application ABP-320738-24 for the substation, which I have also prepared a recommendation on.

7.6. Requirement for EIA and other Related matters

- 7.6.1. A number of concerns pertinent to Environmental Impact Assessment (EIA) are raised through the appeals and other submissions on file. These generally include the requirements for EIA and project splitting concerns i.e. related to cumulative impact considerations in the LVIA including with the Strategic Infrastructure Development Substation currently with An Bord Pleanála ABP-320738-24. Some concerns are raised with reference to the O’Grianna judgment.
- 7.6.2. The Board are referred to section 5.6 and Appendix 1 & 2 of this report where I have concluded the development as proposed is not of a class that falls within Schedule 5 Part 1 and Part 2 of the Planning and Development Regulations 2001 as amended nor would it be likely to have significant effects on the environment (See Form 3). Therefore, I am satisfied an EIA is not required.
- 7.6.3. The Board will be aware the subject solar farm application was made under the provisions of section 34 of the Planning and Development Act 2000 as amended. It was lodged with Meath County Council on the 19/12/2023 with the Council’s decision made on the 13/08/2024 followed by the subsequent first and third party appeals.

- 7.6.4. The application for the substation is a SID application made under the provisions of section 182A of the Planning and Development Act (ABP-320738-24) directly to An Bord Pleanála, which I have also prepared a recommendation on. Accordingly, it is clear separate statutory provisions apply and the proposal in this context is not considered project splitting.
- 7.6.5. In this context, I acknowledge the concerns raised by the Appellants, I am satisfied the absence of consideration of cumulative impacts in the subject application including within the LVIA cannot reasonably be considered to be a deliberate attempt to avoid the rigours of EIA i.e. project splitting. Notwithstanding same, having also made a recommendation on ABP-320738-24 I am aware of and have considered cumulative impacts in Appendix 2. I do not consider the proposal to have significant cumulative impacts that require EIA.

7.7. Impact to Residential and Visual Amenities

- 7.7.1. The Appellants raise a number of residential and visual amenity concerns that I will consider in this section. Impacts to Mulhussey National School shall also be considered where appropriate. These concerns include-
- Separation Distances from private homes and Mulhussey National School and enclosure of some properties on three sides
 - Glint and Glare
 - Noise
 - Visual impact including from upper floor views
 - Overshadowing and Loss of light from 5m planting
 - Impacts on property values
- 7.7.2. **Separation Distances from homes and Mulhussey National School**
- 7.7.3. A number of appeals request that if permission is granted the proposed development should be setback further from boundaries adjoining dwellings in order to protect residential amenities as well as to reduce impacts to the local school. These requests range from 100-200m.

7.7.4. The Planning Authority raised concerns regarding separation distances at Further Information Stage and requested revised proposals in this regard. The Applicant submitted revised proposals with-

- solar panels set back from residential properties along the central eastern part of the site near Mulhussey National School
- a 20m buffer to the eastern boundary of above
- a planting strategy of native species treeline belts to be maintained at 5m height
- Solar panels set back approx. 150m from the L6217 (identified receptor 19)
- A 3m high hedgerow to be implemented

7.7.5. The Board is referred to the 'Site Layout Plan' drawings submitted with the original application and those submitted at FI stage in which the proposed buffer zone and proposed planting is clearly shown in the later. In particular PD-12 and PD-15 are highlighted as these show the measures proposed at FI stage and revised separation distances from concerned properties. The Planning Authority have considered the revised set back and separation distances acceptable..

7.7.6. I acknowledge that concerns of the Appellants in this regard. I have considered these against DM OBJ 77 of the MCC CDP which sets out criteria to be considered in assessing Solar Energy Developments. This does not set any minimum separation distance for solar farms from existing property including houses and schools. The separations distances are considered acceptable in this context.

7.7.7. **Glint and Glare**

7.7.8. Appellants raise residential amenity concerns regarding glint and glare from the proposed development notwithstanding the separation distance and planting strategy proposed at FI stage with particular concerns raised regarding impacts to first floor rooms. Concerns are also raised in relation to a home not identified in the Applicants assessment. I note similar concerns are raised in observations regarding glint and glare impacts to the school. Other concerns include the choice of thresholds identified in the submitted Glint and Glare report author with reference instead to German and other publications.

- 7.7.9. The Applicant has submitted a Solar Photovoltaic Glint and Glare Study. The Planning Authority raised concerns at FI stage regarding the effectiveness of landscaping proposed to reduce negative effects including from glint and glare on identified dwellings as well as other dwellings not identified. A greater separation distance was requested.
- 7.7.10. In response to the FI request the Applicants amended the proposal to increase the separation distance from certain dwellings and other measures as detailed in section 7.7.4 above. They also submitted a revised Solar Photovoltaic Glint and Glare Study dated May 2024.
- 7.7.11. Section 3.2 of the study details there is no formal planning guidance in Ireland for the assessment of solar reflections from solar panels. I also note the MCC CDP section 11.8.2 Solar Energy DM OBJ 77 requires a glint and glare assessment to be submitted with solar energy applications but does not provide any standards. Section 3.4 of the study sets out the Methodology employed.
- 7.7.12. In terms of residential amenity the submitted study examines potential impacts to 215¹⁵ Dwelling Receptors (See figures 11-14) with a height of 1.8m used above ground used in the modelling simulations. Solar reflections are considered geometrically possible towards 6 of the 215 dwellings for more than three months per year but for less than 60 minutes on any given day. In the absence of mitigation the impact is categorised as moderate.
- 7.7.13. It is noted in the original study concerns were raised regarding impacts to dwelling 19 but the revised modelling and study indicates remaining reflections will be fully screened with no impact to No. 19. In this regard the proximity of solar panels to No.19 has been revised to c. 200m as per drawing PD 14 submitted at FI stage.
- 7.7.14. The 6 possibly impacted dwellings as per the FI submission are identified as 160-164 and 215 as presented in Figure 35 of the Study. These are all located along the eastern boundary of the northern parcel of land i.e. adjoining the local road and in close proximity to the Mulhussey National School.
- 7.7.15. A Mitigation Strategy is proposed in section 5.5.4 for the six dwellings as identified. This section details revised geometric modelling for dwelling 160 to 164 and 215 has

¹⁵ 214 originally considered, Dwelling 215 is the home of Appellants Brian & Vicki O'Carroll W23 V4XC which was not considered in original Solar Photovoltaic Glint and Glare Study

been conducted which includes a 20m set back from the site boundary nearest the dwellings in question and an assessment height of 4.8m for four of the six dwellings with 1.8m for the other two dwellings. The results of the modelling are unchanged with reflections as predicted to occur for more than three months per year but less than 60 minutes on a given day. To reduce impacts screening in the form of vegetation or a fence is proposed with required heights detailed as per Table 6 ranging from 3-5 metres. If such screening is proposed no views of the reflecting panels is considered possible, and the impact upon these dwellings can be reduced from moderate impact to no impact.

- 7.7.16. The Applicants FI response now proposes the 20m buffer zone with a revised planting strategy of native species treeline belts to be maintained at 5m height as shown in drawings PD-12 and PD-15 (Proposed Native Woodland) and discussed in section 7.7.4 above. See also the overall 'Landscape Layout' Dwg. No. 2323_LA001_Rev03 where it is described as *"Proposed new woodland Mix: 15m wide buffer of 10-12 and 16-18cmg¹⁶ trees/shrubs, Height 3-5m tall planted at 1 plant per 1M2....."*
- 7.7.17. I acknowledge concerns raised by Appellants and observers regarding the absence of consideration of impacts to first floors and I accept that residential use such as remote working can extend to first floors. Notwithstanding, this I note the geometric modelling and submitted study accounts for heights of 4.8m and proposed planting extending to 5m should reasonably protect against glint and glare. I do not consider glint and glare impacts to first floor windows to be significant.
- 7.7.18. I note concerns raised regarding the methodology and choice of modelling software used within the submitted study. While I appreciate the veracity of this concern, I am satisfied the submitted documentation and mitigation measures proposed provide a reasonable basis for considering the extent of likely impacts. I am satisfied the mitigation measures proposed including the increased separation distance and native tree belt will contribute to avoid significantly adverse impacts to existing residential amenity.
- 7.7.19. I also note the concerns raised over Glint and Glare impacts to the Mulhussey N.S and their use of whiteboards. Having regard to the study submitted, the measures

¹⁶ cmg- girth in centimetres at 1 metre

proposed and the schools location I do not consider adversely significant impacts are likely. I also consider the Board cannot reasonably be expected to have regard to potential future extension plans.

7.7.20. **Noise**

7.7.21. Appellants and observers raise significant residential amenity concerns regarding noise from the proposed development during operation and construction as well as the methodologies employed in the submitted Noise Assessment Reports. They also question the lack of assessment of noise impact to the adjacent school.

7.7.22. The Applicant has submitted Environmental Noise Assessment as updated at FI stage prepared by PDA Acoustic Consultants. They have also submitted a supplemental report in response to the appeals.

7.7.23. The Environmental Noise Assessment submitted at FI states-

“Plant noise associated with the development (i.e. inverters and transformers) has been assessed in accordance with the recommendations of good practice guidance, e.g. EPA NG4, BS8233 and WHO Guidelines for community noise. The closest dwellings are located adjacent to the boundary of the solar farm. It is noted however that the dominant noise source elements, these being the proposed inverters/transformers, are located significantly further away from the said dwellings at an approximate distance of 160m.

7.7.24. The report details that a noise model has been developed which has calculated operational noise levels arising from the proposed development. It argues these meet the recommended limits of good practice guidance, due to the separation distance to noise sensitive receivers and the provision of a barrier fence to screen the closest transformers. The report also details calculated noise levels would be below the external noise levels for amenity spaces as recommended in BS8233 and WHO Guidelines.

7.7.25. In terms of operations a number of noise sensitive locations are identified within section 5.2 of the report and it is acknowledged in the Appeal Response that not every noise sensitive location has been considered. However receivers 22 and 30 are stated as representative of the school with noise level emission estimated at 38.3-38.7dB(A) which is below the proposed 40 dB(A) daytime/evening noise level

criteria detailed to result in a low impact upon the school building and its outdoor learning spaces.

- 7.7.26. Construction noise impacts were also assessed in section 6 against the criteria of the guidance set out in BS 5228:2009(+A1:2014) Code of Practice for noise and vibration control on construction and open sites. Noise sensitive locations are identified within section 6.2.
- 7.7.27. The report details noise levels would not exceed good practice target criteria suggested by BS5228 at the nearest receivers during construction of the proposed development. Good practice recommendations have been outlined to further reduce any likely noise impact of the construction works.
- 7.7.28. The supplemental report submitted in Response to the Appeals details the Environmental Noise Assessment submitted was a desktop only assessment which uses fixed noise limits in the place of a background noise assessment and that the use of fixed limits is an acceptable practice in acoustic assessment which has been deemed acceptable by Meath County Council.
- 7.7.29. The Appeal response acknowledges the absence of a tonality assessment as the exact models are not yet selected. However, it also details that the Noise Assessment was based on a worst case noise level from transformers and the noise spectra for the units in the model was taken from a similar unit and in that case it is evident that units are commercially available that to not display tonality. It is also stated that noise from proposed units is generally constant and therefore not impulsive.
- 7.7.30. I have considered the contents of the Noise Assessment in full in the context of the concerns raised. I consider the Noise Assessment comprehensive and robust. I also note Meath County Council granted permission subject to a noise condition which has not been appealed by the applicants.
- 7.7.31. In this regard and noting the distance of the main noise sources i.e. transformers etc from existing residential properties, the relatively short duration of construction works (of approximately 12-20 weeks- see section 7.4 above) and subject to suitable planning conditions regarding the information submitted, operating noise levels and construction hours, I am satisfied that the proposed development would not have significantly adverse noise impacts.

7.7.32. **Visual Impacts**

7.7.33. A number of appeals and observations raise concerns regarding the residential amenity and visual impact of the proposed development and loss of existing views given the proposed development's scale and expanse.

7.7.34. The Board will be aware that matters relating to rights to views are not ones for the planning system. Furthermore there are no designated scenic routes or protected views as per the MCC CDP within the immediate area surrounding the site.

7.7.35. While I acknowledge the concerns raised in this regard, the proposed landscaping and planting scheme including enhancements to existing boundaries is considered a reasonable measure to screen the development and is typical for such rural areas.

7.7.36. Further consideration to such concerns are also set out in section 7.8 below.

7.7.37. Overall I am satisfied the proposed development will not significantly and adversely impact upon existing visual amenity.

7.7.38. **Overshadowing/Loss of light/Overbearing**

7.7.39. Appellants raise concerns regarding the proposed 5m height of the proposed tree belt and consider it will overshadow existing residential properties and cause a loss of light to homes, Mulhussey National School and its playground as well as overbearing properties closest to the boundary.

7.7.40. In the context of this grounds of appeal, it is considered appropriate to refer to the principles of 'Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2022) BRE209. Appendix G deals with 'Trees and Hedges'. Section G1.2 refers to diffuse daylight and states-

It is generally more difficult to calculate the effects of trees on daylight because of their irregular shapes and because some light will generally penetrate through the tree crown. Where the effect of a new building on existing buildings nearby is being analysed, it is usual to ignore the effect of existing trees. This is because daylight is at its scarcest and most valuable in winter when most trees will not be in leaf.

7.7.41. The board is advised that the submitted LVIA and associated photo report refers to the proposed woodland belt of at least 10m. This is considered a typing error with

maintenance at 5 metres detailed a number of times in the FI and appeal response submission. This can be further addressed with a condition should the Board decide to grant permission.

7.7.42. Noting the location and 5m height of the proposed tree belt, its separation distance from existing houses and the school and the siting and location of existing houses and the school and having regard to Appendix G of BRE 209, I do not consider the proposed development would contribute to any significant loss of daylight or sunlight to existing residential properties, their amenity spaces or the Mulhussey School and its playground. Nor do I consider the development would overbear any adjoining or nearby property.

7.7.43. Property Values

7.7.44. I note the concerns raised in the grounds of appeals in respect of the devaluation of neighbouring property. However, having regard to the matters considered in this assessment set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.7.45. Conclusion

7.7.46. Having considered all of the above and subject to appropriate planning conditions, I am satisfied the proposed development would not seriously injure existing residential and visual amenities of the area.

7.8. Landscape and Visual Assessment

7.8.1. A large number of Appellants and Observers raise significant concerns regarding the landscape and visual impact of the proposed development in which they consider the area is becoming industrialised by the large number of such development types in the area. They refer to the proposed SID substation (ABP-320738-24) and saturation from other solar farm developments in the wider area and cumulation of related impacts from the proposed development. An appeal considers the proposal contrary to policy HER POL 52 of the CDP.

7.8.2. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared by Ascerta. The LVIA is accompanied by three appendices including-

- Methodology and Criteria (see also section 2 of LVIA)
- Zone of Theoretical Visibility (ZTV) Mapping and
- Annotated Viewpoint Photographs

The application also includes-

- a 'Landscape Management and Maintenance Plan' prepared by Cathal O' Meara Landscape Architects with
 - '2323 Blackhall Solar Farm_Landscape Rev01'.

7.8.3. In response to MCC Further Information request the Applicants submitted updated versions of the above-

- Landscape and Visual Impact Assessment (LVIA) dated November 2023 but states Revision C 30/05/24- amendments based on changes to Site Layout
- 'Landscape Management and Maintenance Plan' with
 - '2323 Blackhall Solar Farm_Landscape Rev03'.

7.8.4. The stated site area is 205.15 ha and generally covers a large expanse of agricultural land which is relatively flat in appearance. The site benefits from existing mature hedgerow and trees on the majority of its boundary with views into the site from public areas generally considered intermittent.

7.8.5. As per the Meath CDP, Appendix 5¹⁷- Landscape Character Assessment, the application site is largely located within-

- the 'South East Lowlands (LCA11)'. This LCA includes a Landscape Value of 'Very High', a Landscape Sensitivity of 'Medium' and a Landscape Importance of 'Regional' and

¹⁷ Appendix 5 includes two documents- the written text and separately maps.

- the Tara Skryne Hills (LCA12). This LCA includes a Landscape Value of 'Exceptional', a Landscape Sensitivity of 'High' and a Landscape Importance of 'National/ International'¹⁸.

The application site boundary and its context within LCA's is shown in the Appendix 2 of the submitted LVIA Figure 2.2 with the ZTV.

- 7.8.6. The northern most extent of the application site boundary is located c. 14km south of the Hill of Tara and c. 16km south west of the Hill of Skryne which are both in LCA12.
- 7.8.7. DM OBJ 76 of the Meath CDP details in considering applications for individual energy development proposals, the Council will take detailed criteria into account including the impact of the development on the landscape, with reference to Appendix 5 Landscape Character Assessment.
- 7.8.8. The site is located in an existing rural area comprising of agricultural fields. It is clearly a rural landscape. However the application site in this rural area is notably characterised by the existing 220kV Maynooth-Gorman transmission line that transects much of the site in a north-south direction with at least four existing pylons of c. 20m in height.
- 7.8.9. The application site and the wider area benefits from existing trees and hedgerows, which screen much of the application site from public roads. The site is relatively flat in appearance and low lying with Ordnance Survey Discovery Series mapping available to the Board suggests the site generally ranges from contours of 90m towards its southern extent to 100m towards its northern extent before gradually rising at its northern most point to a local peak of 131m near the Mullagh crossroads north of the site and 129m north east.
- 7.8.10. Lands to a distance south of the site gently fall towards 90m and 80m with areas near Kilcock around 70m. The OS Mapping details the Hill of Tara with a peak of 159m and Skryne Hill at 172m. Section 4.1.3 of the LVIA details the overall site slopes from north to south ranging from circa 133m AOD at the site's northern boundary, and circa 82m AOD along the site's southern boundary.

¹⁸ The CDP explains this LCA 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 and an application for an international designation by UNESCO.

- 7.8.11. Having visited the site and travelled its extent and noting existing site boundaries I do not consider the change in these levels to be significantly obvious in the wider landscape from public roads, nor do they provide a visually prominent location towards the northern end.
- 7.8.12. The Applicant's submitted revised proposals at Further Information Stage to Meath County Council. These amended the proposal as follows:
- solar panels set back from residential properties along the central eastern part of the site
 - a 20m buffer to the eastern boundary of above
 - a planting strategy of native species treeline belts to be maintained at 5m height along the Eastern Boundary on the School Road
 - Solar panels set back approx. 150m from the L6217 (identified receptor 19).
 - A 3m high hedgerow to be implemented at the new northern solar farm boundary
- 7.8.13. The First Party Appeal response details overall ground coverage area percentage is 38.5% (approx. 79ha) with a soil coverage area of 0.9% (approx. 1.9ha). It states 20,000 solar panels have been removed from following the original proposal.
- 7.8.14. Section 3 of the Planning Statement¹⁹ describes the proposed development in more detail (The Board are also referred to FI Drawing PD-21) as follows-
- Each panel will have a length of 1134mm²⁰, a width of 2465mm and a depth of 30mm,
 - They will be mounted on an aluminium framework
 - The number of panels per row is determined by the number of panels in a single circuit, which is around 25, depending on what configuration is used²¹.
 - Circuit 'blocks' of panels are installed adjacent to each other, running east to west

¹⁹ Planning Statement Incorporating Environmental Considerations

²⁰ FI Drawing PD-21 and 22 suggests 1066mm. I do not consider this discrepancy significant.

²¹ Exact Configuration is detailed as shown in the Site Layout Plan- Refer to same drawings submitted at FI stage.

- The total number of individual panels on the Site are 304,825 each at 625 Watt. Following the FI submission this is considered to be 284,285 panels.
- At maximum height, the PV assembly will stand approximately 2.96m above ground level, varying where concrete shoes are used.
- The solar PV array will be angled 20 degrees from horizontal to face due south.
- The rows will be approximately 3.75m apart with reference to Site Layout Plan Drawings for exact measurements .
- Solar PV modules are designed to absorb light not reflect light.

7.8.15. FI Drawing PD-21 and 22 presents a plan and elevation of such arrays at 1m and 1.5m above ground level²² as well as 1m with concrete shoes for archaeological mitigation reasons.

7.8.16. The proposal also includes-

- 58 transformation enclosures, to be coloured green (see Figure 3 of Planning Statement). These are detailed as-
 - 5.6m in length/width x 2.5m deep x 2.885m High (see also FI submission Drawings PD-28)
- 2m high deer fencing around the perimeter of the site- (see FI submission Fence Drawings PD-23, PD-24 and PD25)
- 2.75m max height infra-red motion activated CCTV installations with poles and camera bodies to be colour coated green, 35m apart (see figure 4 and FI Drawing PD-26)

7.8.17. The submitted LVIA as amended at submitted at FI stage sets out the methodology employed (Section 2 and Appendix 1). The assessment is based on a 1.5km radius study area and seventeen viewpoint locations are considered locations selected using desk-based research.

²² See also section 7.11 below and the Applicants SSFRA submissions.

7.8.18. Section 2.5 details the basis of the Zone of Theoretical Visibility (ZTV) with a digital surface model (DSM) presented in Image 5 and Appendix 2- Figures 2.1, 2.2 and 2.4.

7.8.19. Section 4.1.2 of the LVIA discusses designations within the area with the following historic assets identified-

- a cropmark of a subcircular enclosure in Mulhussey (ME04511) within the site
- an enclosure (ME05366) located just north of the site
- a cluster enclosed by existing perimeter hedgerow to the south of the L-6217 and east of application site-
 - the Mulhussey Church (ME01974),
 - graveyard (ME03840), and
 - moated site (ME03841)
- A number of other assets within the 1.5km study area are also detailed and identified in section 4.1.2 and Appendix 2 Figure 2.1
- Eight buildings registered within the National Inventory of Architectural Heritage (NIAH) are located within the 1.5km study, all at least 1.2km west of the site and screened by intervening hedgerows and trees.

See also Table 1 of the LVIA P.33 for assets identified in the 'South East Lowlands' (LCA11) and Table 2 for the Tara Skryne Hills (LCA) within the study area.

7.8.20. Section 6 of the LVIA examines and assesses effects upon each Landscape Character Area based on Landscape value and susceptibility to change. These are set out in Table 3. The level of effect upon the South East Lowlands LCA is described as a Moderate-Minor Adverse as detailed.

7.8.21. Table 4 sets out the level of effect upon the Tara Skryne LCA with the level of effect described also as Moderate-Minor Adverse as detailed

7.8.22. Section 6.1.1 details construction works, will be a prominent alteration to views of visual receptors within 60m of the immediate site setting. Construction works are detailed as temporary 15-20 weeks. Intervisibility outside 60m is considered limited given the distance and screening.

7.8.23. The Board should note the location of two of the three construction compounds has been revised to address Planning Authority residential amenity concerns at FI stage. A letter of consent has been received from the landowner nearest the third compound detailing no objections.

7.8.24. Section 7 of the submitted LVIA considers visual and landscapes impacts from the 17 viewpoints selected as detailed in Table 5. See also Appendix 2, Figure 2.4 and Appendix 3 for Annotated Viewpoint Photographs. The Assessment set out in section 7.2 considers Vehicle Users, Residents, Mulhussey School and Heritage Assets as detailed.

7.8.25. Summarised overall level of visual effects is considered to range as follows-

- Residents-
 - VP 02 Minor Beneficial
 - VP 03 Moderate Neutral²³
 - VP 06 Moderate Adverse
 - VP 08-
 - Three properties- Moderate Adverse
 - Two properties- Minor Adverse.
 - VP 09 Moderate-Minor Beneficial
 - VP 10 Low Negligible
 - VP 11, 14 & 15 None
 - VP 05, 07, 12 & 13 Negligible
- Vehicle Users-
 - VP 01 A and B Minor Adverse.
 - VP 03 Moderate Beneficial
 - VP 06 Minor Adverse

²³ The Board should note this considers impact with enhanced perimeter hedgerow that would be managed at 3m and the FI proposed additional native woodland belt. Reference to 10m high (in LVIA and Photo Report) is considered a typing error with maintenance at 5 metres detailed a number of times in the FI and appeal response submission. This can be clarified with a condition should permission be granted.

- VP 07 & 10 Negligible.
- VP 05, 16 & 17 None
- Mulhussey School²⁴-
 - Moderate Beneficial
- Heritage Asset-
 - VP16 & 17 None

7.8.26. A number of Appeals reference lack of consideration of visual impact from upper floors. The Board should note this section of the LVIA details the proposed addition of woodland would remove the existing panoramic view that that is currently experienced for residents with upper floor views facing west from VP 3. I do not consider concerns raised in relation to impacts upon pedestrians within the LVIA to be significant.

7.8.27. A number of typical Mitigation Measures are set out in section 8 to help minimise adverse effects over time and help direct the landscape scheme. These are generally considered typical and reasonable with the most notable being landscaping to include management and enhance all existing perimeter and internal hedgerows allowing them to grow to 3m high etc.

7.8.28. An overall summary Table of Landscape and Visual Effects is set out in Table 24 and 25.

7.8.29. Generally, I consider the submitted LVIA to be a robust and well-reasoned consideration of the main landscape and visual impacts issues of the proposed development in its local and wider context, with specific regard had to the two LCA which the site is located. I am satisfied the proposed site is significantly distant and not located at a prominent location to have any significantly adverse impacts within the Tara and Skryne Hills or South East Lowlands LCA's that warrants refusal. I also note the Planning Authority have not raised any specific concerns in this regard.

7.8.30. I note concerns of Appellants and Observers regarding lack of cumulative landscape and visual impacts with the SID substation (ABP-320738-24) proposed within the site boundary in the submitted LVIA. I find the omission of this consideration surprising

²⁴ As per footnote 27 above.

considering the nature of the solar farm proposal to generate electricity, the need to connect to the national grid and SID pre application consultation ABP-317901-21 which was lodged with the Board on the 28/08/2023 over three months before the subject application was lodged to Meath.

7.8.31. However this is not considered detrimental to the application as this proposal does not require EIA as detailed in section 5.6 and 7.6 of this report. I am satisfied there is no obligation for the proposed development to consider cumulative impacts especially those for developments not yet permitted. Notwithstanding this, I have considered cumulative landscape and visual impacts of the proposed development with the substation proposed under ABP-320738-24- see also Appendix 2- EIA Screening.

7.8.32. Overall and in particular noting the sites existing context and in particular the sites zoning objective and wider national planning objectives, subject to suitable conditions including the landscape layout and mitigation measures as proposed, I do not consider the proposed development would have significantly adverse landscape or visual effects warranting refusal and is not contrary to policy HER POL 52 of the CDP.

7.9. Biodiversity and Ecology

7.9.1. A number of concerns are raised in the Appeals that can be considered under this section. These are generally summarised to include-

- unacceptable risks to protected species, birds, bats and mammals based on the lack of site specific surveys carried out at appropriate times.
- the submitted Bird Survey is considered inadequate as it does not provide for an October Survey
- mitigation proposed for yellowhammer of unidentified habitat is unacceptable.
- ability to implement the FI proposed woodland with the Biodiversity Management Plan proposal for arable crops .
- lack of detail regarding rainwater harvesting proposals to clean panels

- questions mitigation of white strip to panels to protect against insects and birds being attracted to panels
- The FI proposal for woodland should comply with Department of Agriculture Food and Marine Standards Manual.

Some concerns raise matters regarding the Habitats Directive. These are assessed in the context of Appropriate Assessment as set out in section 8 and Appendix 3 and 4 of this report.

7.9.2. The Applicant has submitted-

- an Ecological Impact Assessment (EclA) prepared by Moore Group Environmental
- a Biodiversity Management Plan (BMP) which is updated in response to the FI request and dated 29/05/24
- a Wintering Bird Survey Report which is updated in response to the FI request and dated May 2024

7.9.3. The EclA sets out the methodology applied, which includes a combination of desk top studies using recognised ecological data bases, field surveys and review of relevant policy and legislation. Habitats were surveyed on the 1st, 3rd and 15th of August 2023 by conducting study area walkover. Bats and Birds were surveyed using standard transect methodology and signs were recorded where encountered during the field walkover surveys. The methodology around this is set out in the Bird and Bat Report dated 21/11/2023 which details wintering and Migratory Bird Surveys commenced in November 2023 and will continue through to March 2024. Following a request for FI a revised Bird Report dated May 2024 is submitted covering the period from November 2023 to March 2024.

7.9.4. The subject site Habitats was classified in accordance with Fossitt 2000 with Improved Agricultural Grassland (GA1), Arable Crops (BC1), Hedgerow (WL1), Treelines (WL2), Scrub (WS1), Drainage Ditch (FW4), Recolonising Bare Ground (ED2), and Buildings and artificial surfaces (BL3) recorded and presented in figures 5 and 6 of the EclA. This classification is generally consistent with observations from my own site inspection. The EclA details an area of Japanese Knotweed has been

identified with the proposal designed to avoid same. An Invasive Alien Species Survey Management Plan was submitted in response to FI.

- 7.9.5. Section 4 provides an account of the survey findings. Despite the Jenkinstown stream flowing through the site no evidence of otters was encountered. A single badger set was recorded. The results of the Bat PRF Survey is set out in section 3.4 of the Bat report. Trees on site were identified and assessed as detailed in Table 3-3 of the report and displayed in the associated drawing. No category 1 tree was identified with 8 category 2 recorded providing '*definite bat potential but supporting features suitable for use by singleton bats*'.
- 7.9.6. Section 4.1.2 of the EclA details bird survey results. Species of note found within the site include Buzzard, Golden Plover, Grey Heron, Herring Gull, Kestrel, Lesser Black-backed Gull, Northern Lapwing, Peregrine Falcon, Snipe and Sparrowhawk.
- 7.9.7. 'Interim Breeding Bird Survey Reort' submitted with FI presents findings from surveys taken between April and May 2004 to establish a database of breeding birds using the site. See Table 2-2 and Figure 3-2 and 3-3
- 7.9.8. Section 5.2 of the EclA and section 4 of the 'Interim Breeding Bird Survey Reort' submitted with FI details an impact assessment including-
- The nature of the solar farm provides for a temporary local loss improved grassland and arable land
 - There are no suitable habitats for otters or otter foraging on site and therefore no impact
 - A badger set is identified (see figure 5) and a 60m buffer is proposed
 - In relation to bats the 8 category 2 trees will be examined prior to felling and a derogation licence from the NPWS will be required if felled.
 - There are no predicted significant effects on breeding birds
- 7.9.9. Indirect impacts are considered in section 5.2.2 and it is detailed that such potential impacts can be addressed through mitigation. See also Table 4-3 of FI submission.
- 7.9.10. Cumulative impacts are considered in section 5.2.3 with refence to a number of detailed planning applications. Subject to mitigation in the form of construction management no significant effects are predicted.

- 7.9.11. Section 6 details proposed Mitigation Measures including the enforcement of the Construction Environmental Management Plan and other typical related measures identified. In terms of Bats and Birds measures include seeking a derogation licence as required and cutting to avoid nesting season. Section 5 of the Breeding Bird Survey details relevant mitigation and enhancement.
- 7.9.12. This section details that solar panels can attract insects and insect eating birds. It then details there is evidence this potential effect can be mitigated by a non-polarising white grid, partitioning on solar panels to reduce or eliminate their reflection of polarised light. It is noted this measure is questioned by Appellants but no substantive reason is provided to suggest the measure won't mitigate any potential adverse impact. In the absence of same this measure is considered acceptable.
- 7.9.13. In terms of landscape mitigation it is stated a strategy has been developed to acknowledge and mitigate the loss of relatively small areas of biodiversity and to promote and ensure 'Biodiversity Nett Gain'.
- 7.9.14. The Applicant has also submitted a Biodiversity Management Plan with the application which has been updated through the FI submission including for mitigations e.g. for Yellowhammer. The BMP indicates the plan seeks to demonstrate that a solar farm provides opportunities for biological enhancement and provides methods to achieve these aims.
- 7.9.15. A number of mitigation measures are provided in section 3 including for Water Quality & Fisheries and Nesting birds in particular ground-nesting species during construction. Operational measures are detailed for Water Quality & Fisheries and Habitat Enhancement Measures. Specifically and relative to the appeals measures are proposed for bird habitats including a number of species seen on the site i.e. Wrens, robins, goldcrest, heron, pied wagtails, blue tit, great tit and coal tits. A map of Biodiversity Measures is presented in Figure 2 of the BMP.
- 7.9.16. Section 3.4.5 of the 'Interim Breeding Bird Survey Report' submitted with FI details 19 sightings of Yellowhammer within the site with a further 2 just outside the site boundary. These were all recorded at the northern parcel of the site. The Applicant submits specific measures for the promotion of habitats for Yellowhammer in the survey and also within the BMP submitted at FI stage as it is likely to be the only

specie significantly impacted from the loss of tillage. 13.61ha have been designated for wild bird cover planting as detailed. The BMP then details a-

“Yellowhammer monitoring program will be implemented for years 1 to 3 post construction. If a significant decline of breeding Yellowhammer is found additional measures will be implemented to prevent a decline in population. One such measure is to rent out lands adjacent to Section 1 and plant this area with tillage, transformed from improved grassland.

In addition the 5m margins between solar panels and hedgerows / treelines will be planted with a wildflower / bird crop seed mix thus limiting impacts on this species.”

Appelleants raise significant concerns regarding the two measures above.

7.9.17. In terms of other matters raised in the Appeals-

- a) The Applicant has acknowledged in the Appeal Response concerns regarding the absence of October Bird Surveys. This is explained in the first survey as due to the late appointment of the surveyor. An additional set of surveys were conducted in November to make up for this lost period and the period from November to March is considered the main winter period. The additional survey adequately compensates for the missed survey period. It refers to recommendations of Scotland’s Nature Agency which does not require it winter survey period in any stated month. The application submits 36 hours of Vantage Point surveys. In the absence of any mandatory requirement this is reasonable and is not considered a substantive reason to refuse the proposal.
- b) In terms of concerns regarding mitigation for the Yellowhammer-
 - a. The Board will note that all bird species are protected in Ireland under the Wildlife Act of 1976 as amended
 - b. The measures proposed are intended to promote and ensure biodiversity net gain
 - c. the Applicant details
 - i. the provision of 13.61ha of designated wild bird cover planting and an ‘arable crop’ strategy is the primary mitigation ‘*which if implemented should allow this species to persist within the site*’.

- ii. acquisition of additional lands should yellowhammer numbers significantly decrease (following monitoring) is a secondary mitigation only.
 - iii. They refer to CIEEM 2018 (Guidelines for Ecological Impact Assessment in the UK and Ireland) which details that such compensation can be provided either within or outside the project site (defined by the red line of a planning application).
 - iv. The submitted bird reports do not state the solar farm will result in a negative impact on Yellowhammer
- d. It is noted the Appellants do not provide any evidence to suggest the primary mitigation method will not be successful. Meath County Council have recommended a grant of permission and attached no specific condition in this regard. In this context, I consider this secondary mitigation proposal acceptable.
- c) I acknowledge concerns regarding the proposed 5m margin between solar panels and hedgerows / treelines as presented on the drawings and their interaction with the FI proposed native woodland/tree belt along the 'School Road'. Given the scale of the site and the nature of landscaping type proposal it can be difficult to accurately present such proposals on drawings. However I see no reason why the 5m margins cannot be reasonably achieved through the site including at the area of the proposed tree belt which is part of a 20m buffer zone from the site boundary.
- d) The BMP details proposal for cleaning and states "*any water used is derived from harvested rainwater*". Appellants argue the proposals do not include any provisions for rainwater highlighting. Q20 of the application form details drainage proposals are set out in the Flood Risk Assessment (FRA). This details the existing ground beneath the solar panel arrays shall remain permeable and soakaways are proposed to manage surface water runoff from transformer or inverter structures. I see no reason why rainwater harvesting cannot be provided for and this can be addressed further through condition should the Board decide to grant permission.

- e) The Native woodland/tree belt proposal along the School Road is primarily intended to increase the separation distance of existing houses to the solar panels. It is intended to reduce risks of glint and glare as well as the extent of visual impact. The proposed planting schedule is essentially for the purpose of landscaping and is not therefore forestry. I see no reason why it should comply with Department of Agriculture Food and Marine Standards Manual in this regard.

7.9.18. I have reviewed the submitted information including the contents of appeals, observations and submissions to the file. I have also undertaken a site inspection. Overall the submitted EcIA, Bird Survey reports and BMP (including FI submissions) represent a robust and reasonable assessment of the matters pertinent to Biodiversity and Ecology. Having considered the nature of the application and the context of the site and the proposal, I am satisfied the likely ecological impact of the proposed development would be acceptable and would not have a significantly negative impact on overall biodiversity, subject to planning condition and the measures detailed in the application.

7.10. Traffic and Road Infrastructure

- 7.10.1. A number of Appellants and Observers raise concerns relating to traffic, road safety and existing road infrastructure and the impacts of the proposed development upon same. These include impacts associated with increased traffic on local roads, to the inadequacies of the roads to cater for the type of vehicles needed to complete the development and general road safety concerns including to Mulhussey National School. Appellants suggest the need for a Traffic Impact Assessment, Road Safety Audit, a topographical survey and a capacity analysis.
- 7.10.2. I have considered the need for a Traffic Impact Assessment and Road Safety Audit as per the requirements of the Traffic and Transport Assessment Guidelines 2014. I do not consider such assessments or a (junction) capacity analysis are required given the size and nature of the development proposed.
- 7.10.3. The Applicant has however submitted a Transport Management Plan (TMP) with the application which is robust consideration of relevant road related issues for a development such as that proposed.

- 7.10.4. The Planning Authority raised some concerns regarding sightlines and stopping sight distance at Further Information stage. The Applicant submitted a Transport Response at FI stage.
- 7.10.5. Section 6 of the TMP details expected vehicle trip generation to be relatively low but proposes a number of measures to reduce impacts during construction including measures to avoid periods of peak traffic movement, measures to reduce conflict e.g. appointment of banksmen and digital signage strategies etc. These measures are considered reasonable.
- 7.10.6. Section 3 of the FI submission revises the proposed HGV Route to avoid any potential impact on Mulhussey National School. Construction Traffic will now travel to the west of the site along the regional roads before accessing the site of the L6217 from the west as shown in Figure 1 of the FI submission. The information presented to support the application and appeal robustly asserts the existing road network and proposed route can cater for the proposed development and note the Planning Authority have granted permission. Furthermore the expected construction period of approximately 12-20 weeks (see section 7.4 above) is relatively short and any traffic related matters can be managed subject to the measures proposed in the TMP
- 7.10.7. I also note concerns have been raised by Appellants regarding the increased risk of weather related conditions to public roads from landscaping proposed in close proximity to boundaries of public road. I consider such risks and concerns overstated and note such risks are likely in any event during periods of poor weather.
- 7.10.8. In conclusion, I note the Planning Authority who are the public body responsible for maintenance of local and regional roads have raised no significant road safety issues. Subject to conditions I am satisfied the proposed development will not create an undue traffic hazard or risk to public safety.

7.11. First Party Appeal and Flooding

- 7.11.1. The Applicant has submitted a first party appeal against condition 3 of the Planning Authority's decision. In summary, Condition 3 requires the applicants to submit a site-specific flood risk assessment and justification test accurately identifying potential flood zones A, B and C throughout the site based on most recent OPW/CFRAMS mapping and where essential infrastructure (solar panels,

inverter/transformer station, substations) are found to be located in flood zones A or B, they shall be removed from the proposed development.

7.11.2. I note Condition 3 is referred to and supported by a number of third party Appellants. Other pertinent third party concerns as raised in the appeals and the response to the first party appeal include the lack of a Site Specific Flood Risk Assessment, MCC's Environment section recommendation to refuse, flooding to local roads, extent of site coverage means flooding is inevitable, proposal will impede the flow of flood waters and the proposal is 'essential infrastructure'.

7.11.3. The Applicant has submitted a Site Specific Flood Risk Assessment (SSFRA) prepared by IE Consulting with the application. The drainage regime surrounding the site is identified in Figure 1. In the context of the 2009 Flooding Guidelines, Section 8 details-

- A limited portion of the northern land parcel falls within a delineated fluvial Flood Zone 'A' and Flood Zone 'B'.
- A limited area within the central portion of the southern land parcel falls within a delineated fluvial Flood Zone 'A' and Flood Zone 'B'.
- The vast majority of the proposed solar farm development falls within Flood Zone 'C'.
- the areas of the northern and southern land parcel that fall within Flood Zone 'A' and Flood Zone 'B' may be subject to the requirements of The Justification Test.

7.11.4. Section 9 considers the Justification Test in accordance with Section 3 of the Flooding Guidelines 2009. It categorises the proposal as 'Less Vulnerable Development' with limited portions of the site located within flood zones A and B. It then considers the proposal against the criteria set out in Section 5.15 and Box 5.1 of the Guidelines. Section 10 concludes-

"....in consideration of the type and form of development proposed, this Site Specific Flood Risk assessment has determined that development of a solar farm facility at the site is not expected to result in an adverse impact to the hydrological regime of the area or increase fluvial or pluvial flood risk

elsewhere and is therefore considered to be appropriate from a flood risk perspective.

7.11.5. The Planning Authority sought further information on flooding related number including a revised SSFRA and to address concerns of essential infrastructure to be located outside of Flood Zones A and B.

7.11.6. The Applicants submitted their response including a Hydrological Assessment and modelling of local watercourses. In section 10 it details inter alia-

“all essential infrastructure (transformers, invertors, electrical equipment, etc) and all solar panels associated with the proposed solar farm development are not located within, do not encroach within and do not adversely impact any predictive fluvial Flood Zone ‘A’ or Flood Zone ‘B’. All solar panels are located and sited outside of Flood Zone ‘A’ and Flood Zone ‘B’.”

7.11.7. Following the FI submission a further technical report from MCC’s ‘Environment Section- Flooding and Surface Water Section’ dated 08/08/24 details

“The applicant has failed to address the Further Information request sufficiently. The applicant has shown essential infrastructure in Flood Zones A and B which is not acceptable to the planning authority. The applicant has not carried out a Justification Test in accordance with the aforementioned guidelines which is a general requirement for developments in Flood Zones A & B.

The proposed development, if permitted, would be contrary to the aforementioned Ministerial Guidelines and would materially contravene policies INF POL 18 and INF POL 20 of the Meath County Development Plan (as varied).”

7.11.8. The Planning Authority’s decided not to refuse permission but instead to apply condition 3. This has been justified in the second Planners Report in which it refers to a report as it was deemed unreasonable to refuse the proposed development in its entirety given the extant of the subject site within Flood Zones A & B.

7.11.9. The Applicant’s appeal is generally based on the fact that the proposed development should be considered water compatible development and is not ‘essential

infrastructure'. They also refer to a decision of the Board- ABP-311460-21²⁵- for solar farm also in Co. Meath in which the Board removed a similar flooding related condition in a similar first party appeal as they did not consider solar farm infrastructure to be essential infrastructure.

7.11.10. I have reviewed the Strategic Flood Risk Assessment that forms part of Volume 4 of the MCC CDP 2021-2027 as well as the associated mapping²⁶. I note parts of the northern parcel of the application site in which the Jenkinstown Stream flows is located within the identified Flood Zones A and B. Parts of the southwestern parcel of the application site are also located in Flood Zone along the Jenkinstown Stream. I note the proximity of the Bryanstown Stream along the eastern boundary of the south eastern parcel of land and Flood Zone A. I have considered these in the context of the SSFRA submitted with the application and the subsequent Further Information response.

7.11.11. I have also reviewed the Planning System and Flood Risk Management Guidelines 2009. Table 3.1 classifies the vulnerability of different types of development. 'Highly vulnerable development' includes 'Essential infrastructure, such as ... utilities distribution, including electricity generating power stations and sub-stations ...'. I note section 2.11 states-

"Flooding of water distribution infrastructure such as pumping stations or of electricity sub-stations can result in loss of water or power supply over large areas. This can magnify the impact of flooding well beyond the immediate community."

7.11.12. The proposed development is clearly not for 'electricity generating power stations and sub-stations'. The Board will be aware²⁷ 'Distribution' is defined under the 'Electricity Regulation Act 1999, as amended' which states-

"...the transport of electricity by means of a distribution system, that is to say, a system which consists of electric lines, electric plant, transformers and switchgear and which is used for conveying electricity to final customers".

²⁵ The appeal states- ABP-331460-21 which is considered a typing error.

²⁶ <https://meath.maps.arcgis.com/apps/webappviewer/index.html?id=da9236c0c44a41b18b3b79f6a4acc9ce>

²⁷ From its functions under section 182A of the Planning and Development Act 2000 as amended,

7.11.13. In my opinion the proposed development does not fall within a categorisation of 'utilities distribution' as provided for in the Flooding Guidelines of 2009. The energy generated by the solar farm is only available for distribution to final customers when it reaches the national grid. In this regard, I refer the Board to SID application ABP-320738-24 (which I have also prepared a recommendation on) for a substation to facilitate such distribution from the solar farm. Therefore I do not consider the proposal to be 'essential infrastructure'. It is my understanding this interpretation is consistent with the Boards consideration of ABP-311460-21.

7.11.14. Having considered Table 3.1- 'Classification of vulnerability of different types of development' of the 2009 Guidelines I note provision is provided as follows-

*“*Uses not listed here should be considered on their own merits”*

I am satisfied the proposal is not a 'highly vulnerable development' and I do not share the concerns of an Appellant put forward in response to the Appeal in this regard. However, I am not entirely convinced the proposal is necessarily a 'water compatible development' but I do acknowledge the arguments put forward by the Applicant. I note proposals classed as 'Less vulnerable development' only require a Justification Test within Flood Zone A.

7.11.15. I have considered the proposal against the criteria set out in Box 5.1 of the Flooding Guidelines- 'Justification Test for development management'. The Applicant has carried out a Justification Test in their original SSFRA in which they state the development proposed is 'Less Vulnerable Development'. They detail the proposal is-

- in accordance with the Development Plan Objectives – INF POL 34 – 48
- there will be no net increase in discharge rate or runoff volume from the site, with corresponding hydrological response times remaining as per the existing situation
- will not introduce a significant amount of additional personnel to the area and is not expected to have any adverse impacts to the economy of the area
- the proposal is not expected to result in a residual flood risk, will not require any flood protection or flood risk management measures and access for emergency services would not be impeded or restricted

- site represents the best use of the location for a solar PV development whilst avoiding any significant risks to the environment

7.11.16. The following is my consideration against Box 5.1-

- As discussed in section 7.2 above the site is zoned RA (Rural Area) with Sustainable Energy Installations and Utility Structures specifically listed as 'Permitted Uses' in the CDP. The proposal is therefore consistent with the zoning objective.
- The application is accompanied by a SSFRA as supplemented by information submitted at FI stage. The SSFRA and FI response have been prepared by IE Consulting and is a comprehensive consideration of flooding related matters in accordance with the Flooding Guidelines 2009
- I see no reason why the proposal would lead to a significant increase in discharge rate or runoff volume from the site including to local roads. I do not share Appellant's concerns regarding site coverage. The ground beneath the proposed panels will remain permeable and there will be no net increase in discharge rate or runoff volume from the site.
- The nature of the proposal does not create a significant increase in flood risk to people, property, the economy and the environment. The supporting structures will not impede the conveyance of floodwaters or result in the displacement of floodwaters than may occur
- The proposal does not create a significant residual flooding risk having regard to the type, use and the local development context
- The proposal is compatible with achieving wider planning objectives

7.11.17. Notwithstanding the above the First Party appeal also details a number of measures to address any potential flood risk. These include-

- solar panel arrays are not proposed in any location within Flood Zone 'A' where flood depths are >1.5m,
- solar arrays within flood zone B shall be constructed with the lower panel edge a minimum of 1.5m above existing ground levels, which is above 1 in 1000 year flood depths

- Only the small diameter support piles which support the solar panel arrays are located within the flood zone.
- Transformers, invertors or other electrical equipment will be located beyond the predictive 1 in 100 year and 1 in 1000 year fluvial flood extents.
- Surface water runoff from any enclosed transformer or inverter structures shall be discharged to appropriately designed soakaways.

7.11.18. Having regard to all of the above including the Board's decision for ABP-311460-24, I do not consider the proposed development comes within the meaning of 'essential infrastructure' as per the 2009 Flooding Guidelines. Therefore, I do not consider MCC's condition 3 necessary for the proposed development and if the Board are minded to grant permission it is recommended that the condition is omitted.

7.12. Other Matters

7.12.1. I note concerns raised in Appeals and observations regarding risk of fire, hurricanes, vortex shedding/galloping etc. While I appreciate the veracity of such concerns, it is evidently in the Applicants own interest to ensure the proposal is developed and operated in such a manner to avoid such risks. I do not consider these ones for the Board to be reasonably concerned with.

7.12.2. Concerns are raised regarding benefits to the local community. The Board will be aware requirements for a Community Benefit Fund are generally managed under the Government's Renewable Electricity Support Scheme (RESS) and not through the Planning System.

7.12.3. I note concerns raised in relation to Community Engagement and the limited extent of same. The Applicant has submitted a Statement of Community Consultation with the application which is considered reasonable. Notwithstanding this the application has been advertised as required by planning legislation including the submission of significant further information. Appellants and Observers have engaged with the process at all stages. I do not share these concerns.

7.12.4. Concerns regarding the applicants motives, offers of compensations and intentions of same are not considered matters for the Board.

- 7.12.5. I note some concerns received regarding Electromagnetic radiation and or interference. The risk of electromagnetic radiation and interference is not considered likely and compliance with same is not considered a matter for the planning code.
- 7.12.6. Having examined the contents of the submitted Cultural Heritage Impact Assessment and subject to the measures set out within, I am satisfied the proposed development will not have any significant impacts including upon Mulhussey Castle and adjacent graveyard.

8.0 Appropriate Assessment

8.1. Screening Determination (Stage 1)

- 8.1.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 as amended and on the basis of objective information provided in the AA Screening Report and other application documents submitted by the Applicant, I conclude that the proposed development is likely to have significant effects on the following qualifying interests of the Rye Water Valley/Cartron SAC -

- Habitat (Annex 1)- Petrifying springs with tufa formation
- Species (Annex 2)-
 - Narrow-mouthed Whorl Snail and
 - Desmoulins Whorl Snail

from effects associated with surface water pollution.

- 8.1.2. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 as amended is required on the basis of the effects of the project 'alone'.
- 8.1.3. No measures intended to avoid or reduce harmful effects on European sites were considered in reaching this conclusion.

See Appendix 3 for AA Screening.

8.2. Appropriate Assessment (Stage 2)

- 8.2.1. The development of the proposed Solar Farm with ancillary infrastructure has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended.
- 8.2.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that the proposal may have significant effects on the Rye Water Valley/Carton SAC (001398). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 8.2.3. 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 the Rye Water Valley/Carton SAC (001398) or any other European site, in view of the sites' Conservation Objectives.
- 8.2.4. This conclusion is based on a full and detailed assessment of all aspects of the proposed development including proposed mitigation measures in relation to the Conservation Objectives of the European sites and an assessment of likely in-combination effects with other plans and projects. No reasonable scientific doubt remains as to the absence of adverse effects on the integrity of the European Sites.

See Appendix 4 for Stage 2 Appropriate Assessment.

9.0 Recommendation

- 9.1. It is recommended that the Board grant planning permission for the proposed development for the following reasons and considerations and subject to the conditions set out below.

10.0 Reasons and Considerations

- a) The nature, scale and extent of the proposed development,
- b) The pattern of development within the area and context of the receiving environment,

- c) The national targets for renewable energy contribution to the overall national grid,
- d) The national, regional and local policy support for developing renewable
 - i. Climate Action Plan 2024
 - ii. Climate Action and Low Carbon Development Act 2015, as amended
 - iii. Project Ireland 2040 National Planning Framework (2018)
 - iv. National Development Plan 2021-2030
 - v. National Biodiversity Action Plan 2023-2030
 - vi. National Energy Security Framework (April 2022)
 - vii. National Energy & Climate Action Plan 2021-2030
 - viii. The Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly 2019-2031
 - ix. The Meath County Development Plan 2021-2027
- e) Measures proposed for the construction, operation and decommissioning of the development,
- f) The submissions on the file, and
- g) The documentation submitted with the application and the appeal,

It is considered that subject to compliance with the conditions set out below the proposed development would accord with European, National, Regional and Local planning and related policy, would be consistent with the provision of the Climate Action Plan 2024 and would make a positive contribution towards Ireland's renewable energy and security of energy supply requirements. The proposed development would not seriously injure the visual and residential amenities of the area, would not have an unacceptable impact on the character of the landscape or on cultural heritage, would not create a traffic hazard or endanger public safety, would not have undue impacts on surrounding land uses, would not have an unacceptable impact on ecology, biodiversity or on any European Site and would not lead to an increased risk of flooding within the site or adjoining lands. The proposed

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

Appropriate Assessment-

The development of the proposed Solar Farm with ancillary infrastructure has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended.

The Board, having carried out screening for Appropriate Assessment of the project, concludes that the proposal may have significant effects on the Rye Water Valley/Carton SAC (001398). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

Following an Appropriate Assessment, the Board has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the Rye Water Valley/Carton SAC (0013983) or any other European site, in view of the sites' Conservation Objectives.

This conclusion is based on a full and detailed assessment of all aspects of the proposed development including proposed mitigation measures in relation to the Conservation Objectives of the European sites and an assessment of likely in-combination effects with other plans and projects. No reasonable scientific doubt remains as to the absence of adverse effects on the integrity of the European Sites.

EIA Screening Determination

Having regard to-

- The nature and scale of the proposed development, which is not a class of development set out in Schedule 5, Parts 1 and 2 of the Planning and Development Regulations 2001 as amended
- The location of the proposed development and nature of the existing site and the pattern of existing and permitted development in the surrounding area;

- The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended, and;
- The features and measures proposed by the applicant intended to avoid or prevent adverse effects on the environment, including measures identified in the submitted Natura Impact Statement and Flood Risk Assessment (and related Further Information submissions)

The Board considers that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore required.

11.0 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 received by the planning authority on the 10th day of June 2024 and the drawings and documents received by An Bord Pleanála on the 06th day of September 2024, 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 five years from the date of this order.

Reason: In the interest of clarity.

3. (a) The permission shall be for a period of forty years from the date of the commissioning to decommissioning 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, concrete shoes, 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/concrete shoes, 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. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented in full.

Reason: To protect the integrity of European Sites.

5. All of the environmental, construction and ecological mitigation measures, as set out in the Planning Statement Incorporating Environmental

Considerations, Landscape and Visual Impact Assessment, Ecological Impact Assessment, Landscape Management and Maintenance Plan, Biodiversity Management Plan, Invasive Alien Species Survey Management Plan, Solar Photovoltaic Glint and Glare Study, Construction and Environmental Management Plan, Cultural Heritage Impact Assessment, and all other particulars submitted with the application including at Further Information stage, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order. Where such measures 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.

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

6. The applicant shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practice and to liaise with consultants, the site contractor, and the planning authority. A report on the implementation of these measures shall be submitted to the planning authority and retained on file as a matter of public record.

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

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

Reason: In the interest of clarity.

8. Prior to the commencement of development pre-commencement surveys for protected plant, animal species and invasive species shall be undertaken at the site and where required the appropriate licence to disturb or interfere with same shall be obtained from the National Parks and Wildlife Service.

Reason: In the interest of wildlife protection.

9. The developer shall comply with the transportation requirements of the planning authority. Prior to commencement of development, a finalised transport management plan for the construction stage shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of traffic safety.

10. A finalised Landscape Management and Maintenance Plan and Biodiversity Management Plan for the proposed development, in accordance with those already submitted, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The site shall be managed in accordance with the agreed plans. These plans shall cover a period of at least five years and shall include details of arrangements for Yellowhammer mitigation and all other mitigation including the arrangements for implementation of same.

Proposed planting along the School Road shall be limited and maintained at 5m in height or as otherwise agreed with the Planning Authority.

Landscape planting shall utilise native species of local origin, reflecting those species naturally occurring in the locality.

Reason: To ensure the preservation and protection of flora and fauna within the site and provide for the satisfactory future maintenance of this development in the interest of visual amenity.

11. 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.

12. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all

site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development.

Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation (preservation in-situ/excavation).

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest

13. 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..

14. (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 solar panels shall have driven or screw pile foundations only (save those proposed with concrete shoes), unless otherwise authorised by a separate grant of planning permission
- (e) The transformers/ inverters shall be dark green in colour.

Reason: In the interest of the long term viability of this agricultural land and in order to minimise impacts on drainage patterns, clarity, visual and residential amenity.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, to include a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- a) location of the site and materials compound(s);
- b) location of areas for construction site offices and staff facilities;
- c) details of site security fencing and hoardings;
- d) details of on-site car parking facilities for site workers during the course of construction;
- e) details of the timing 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;
- f) measures to obviate queuing of construction traffic on the adjoining road network;

- g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- i) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- j) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- k) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water drains or watercourses.
- l) details of on-site re-fuelling arrangements, including use of drip trays;
- m) details of how it is proposed to manage excavated soil;

The finalised Construction and Environmental Management Plan shall also take account of the mitigation measures outlined within the NIS.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

16. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times, (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

17. (a) Construction activity shall be managed in accordance with a construction noise and vibration management plan, which shall be agreed in writing with the planning authority prior to the commencement of development.

This plan should be subject to periodic review and shall specify the construction practice, including measures for the suppression and mitigation of on-site noise and vibration.

- (b) The plan shall be developed having regard to, and all construction activity shall be undertaken in accordance with, best practise guidelines, including BS 5228-1:2009+A1:2014, parts 1 & 2.

- (c) The mitigation measures described in the Environmental Noise Assessment Report and the Traffic Management Plan shall be implemented in full.

- (d) Prior to the commencement of development, a plan for the phased development of the site shall be submitted to and agreed in writing with the planning authority which shall seek to maximise separation from site boundaries at commencement of works and move progressively across the site.

Reason: In order to protect the amenities of the area.

18. 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 submitted Site Specific Flood Risk assessment as supplemented by the Further Information submission dated 10th of June 2024. A drainage management plan shall be developed for the construction and the operational phases of the development to include details of the proposed access routes and drains and is to be submitted to the planning authority for approval prior to commencement of development.

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

19. Water supply and drainage arrangements, including the attenuation and disposal of surface water, the provision of rainwater harvesting shall comply

with the requirements of the planning authority for such works and services. The developer shall agree such details in writing with the planning authority prior to commencement of development.

Reason: In the interest of environmental protection.

20. 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 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.

21. 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.

22. 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.

Adrian Ormsby
Senior Planning Inspector

24th of December 2024

12.0 Appendix 1 Form 1 EIA Pre-Screening

An Bord Pleanála Case Reference		ABP-320755-24	
Proposed Development Summary		Solar Farm and ancillary works	
Development Address		Mulhussey, Batterstown, Longtown, Mullagh & Milltown Townlands, Kilcock, 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)?			
Yes		State the Class here.	
No	Tick or leave blank	Part 2- Class 1 (a) 'restructuring of rural land holdings'- c.18-20m hedgerow to be removed for works to existing entrances to achieve sightlines. Other hedgerow to be retained at 1m height. No land is to be restructured by removal of field boundaries. Class 10 (dd)) All private roads which would exceed 2000 metres in length. Use of existing access tracks only.	<input checked="" type="checkbox"/> No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	Tick/or leave blank	Screening determination remains as above (Q1 to Q4)	
Yes	<input checked="" type="checkbox"/>	Screening Determination required	

Inspector: _____

Date: _____

13.0 Appendix 2: Form 3 EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-320755-24	
Development Summary	Solar Farm and ancillary works	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	No	MCC's 'Planners Report' details the proposed development is not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations (PDR) 2001 (as amended) nor is it considered a sub-threshold development for the purposes of Schedule 7 PDR and will not on its own or cumulatively with other projects result in significant effects on the environment and as such an EIAR is not required.
2. Has Schedule 7A information been submitted?	Yes	Section 5 of the submitted EIA Screening Report states- "Information pertaining to Schedule 7A of the 2001 Regulations is provided herein but is also further supplemented by the Planning Statement incorporating Environmental Considerations (March 2023), the associated environmental reports and planning application drawings."

<p>3. Has an AA screening report or NIS been submitted?</p>	<p>Yes</p>	<p>An AA Screening Report and NIS have been submitted. The NIS concludes -</p> <p><i>“It is the conclusion of this NIS, on the basis of the best scientific knowledge available, and with the implementation of the mitigation and restriction measures set out under Section 3.5, that the possibility of any adverse effects on the integrity of the European Sites considered in this NIS (having regard to their conservation objectives), or on the integrity of any other European Sites (having regard to their conservation objectives,) arising from the proposed development, either alone or in combination with other plans or projects, can be excluded beyond reasonable scientific doubt.”</i></p>
<p>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>As part of the Meath County Development Plan 2021-2027- Volume 4-</p> <ul style="list-style-type: none"> • Strategic Environmental Assessment • Natura Impact Report • Strategic Flood Risk Assessment

B. EXAMINATION	<p>Where relevant, briefly describe the characteristics of impacts (i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>The site entails three parcels of typical rural/agricultural lands generally flat rising slowly towards the northern boundary of the northern most boundary. Generally these parcels benefit from existing mature roadside boundaries of trees and hedgerows.</p> <p>The existing Maynooth – Gorman 220kV overhead transmission line traverses a large of the site generally from a north to south direction.</p> <p>The wider area includes a number of typical one off housing and agricultural styles strictures. A</p>	<p>No</p>

	<p>larger consolidation of rural housing is located along the eastern boundary of the northern parcel of land in close proximity to the Mulhussey National School.</p> <p>It can be argued that a solar farm is significantly different in character or scale to the existing surroundings or environment where more traditional agricultural practises would exist. However it is considered this perception is changing given the rise of Solar Farms in rural areas as a form of agricultural diversification. Notably the proposal could also be considered to consolidate electricity infrastructure in close proximity to the existing national grid i.e. the existing Maynooth – Gorman 220kV overhead transmission line.</p>	
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposal will involve changes to the physical appearance of the fields but do not require extensive groundworks. Such changes are not considered significant.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water,	The proposal will require use of land and light. These are not considered to be in short supply.	No

materials/minerals or energy, especially resources which are non-renewable or in short supply?		
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>By its very nature the proposal involves generating electricity which can, if not managed responsibly, be harmful to human health and the environment.</p> <p>The proposal during construction will involve certain materials that could be harmful to human health or the environment.</p> <p>Subject to measures proposed as set out in the CEMP etc., standard best practise measures, normal operating procedures and suitable planning conditions these effects are not considered significant or likely.</p>	No
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>These will generally be generated during construction with minimal if any expected during operation.</p> <p>Construction generated wastewater will be stored in a sealed tank on site before removal.</p> <p>Subject to measures proposed as set out in the CEMP etc., typical</p>	No

	best practise construction methods, site management and planning conditions effects are not considered significant or likely.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	<p>A risk of contamination is typical at all such sites during construction and operation.</p> <p>Such risks are detailed in the AASR, NIS and CEMP.</p> <p>Subject to measures proposed as set out in the NIS and CEMP etc., standard best practise construction methods, site management and planning conditions these risks are not considered significant or likely.</p>	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	<p>There is potential for impacts during both construction and operation.</p> <p>The risk of electromagnetic radiation is not considered likely and compliance with same is not considered a matter for the planning code.</p> <p>Subject to measures proposed as set out in the submitted Environmental Noise Assessment, Solar Photovoltaic Glint and Glare</p>	No

	Study, CEMP, Traffic Management Plan TMP and subsequent FI submissions etc., standard best practise construction methods, site management and planning conditions these are not considered significant or likely.	
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	While there is always some element of risk to human health from such proposals subject to measures proposed, standard best practise construction methods, site management and planning conditions these risks are not considered significant or likely.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	There are always such risks in such projects. Subject to measures proposed, standard best practise construction methods, site management and planning conditions these risks are not considered significant or likely.	No
1.10 Will the project affect the social environment (population, employment)	Notwithstanding the public submissions and appeals received on the application I don't consider the proposal will significantly impact the social environment.	No

<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>It is reasonable to consider the proposal in the context of National, Regional and Local Policy support for electricity developments including development as detailed in section 4.0 Planning History of the main report e.g.- ABP-320738-24 substation and other Solar Farms permitted or under consideration in the wider area</p> <p>Together these could be considered to have a wider large scale change that could result in a cumulative effect on the environment and in particular the landscape.</p> <p>However, having regard to the sites zoning objective and LCA's as discussed in section 7.3 and 7.8 of the main report and subject to the measures proposed with the application, standard best practise construction methods, site management and planning conditions cumulative effects on</p>	<p>No</p>
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	the environment are not considered significant or likely.	
2. Location of proposed development		
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>generally set out in section 5.5 of the main report.</p> <p>The applicants have submitted their own NIS and in summary they found the possibility of adverse effects on the integrity of European Sites can be excluded beyond reasonable scientific doubt</p> <p>I have carried out my own Appropriate Assessment in section 8 of the main report and similarly find the proposal would not be likely to give rise to significant adverse effects.</p>	No
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>Having considered the submitted documentation on file including EcIA with surveys, the Biodiversity Management Plan, AA screening report & NIS, the FI submissions and other information on the file and having regard to measures proposed, best practise construction and operation methods, good site management and planning conditions I do not</p>	No

	consider the proposal will have significant affects in this regard.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	<p>I have considered the contents of the Cultural Heritage Impact Assessment Report including its recommendations as well as the report of the DAU on file. I have also had regard to relevant matters raised in appeals and observations which have not been considered significant.</p> <p>Subject to mitigation measures proposed, standard best practise construction methods, site management and appropriate planning conditions, I do not consider the proposal likely to have significant affects to the landscape, or historic, archaeological, or culturally importance features.</p>	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	The drainage regime within and around the site with discharge to the Jenkinstown, Calgerth and Bryanstown Stream all outfall to	No

	<p>the Rye Water Valley/Carlton SAC (001398).</p> <p>Subject to measures proposed including those set out in the CEMP, standard best practise construction methods, site management and planning conditions I am satisfied any resource detailed will not be significantly affected as a result of the proposed development.</p>	
<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>I have noted the location of watercourses and drainage ditches on and near the site.</p> <p>I have considered the contents of the CDP's Strategic Flood Risk Assessment and the submitted FRA as supplemented by FI. And as discussed in section 7.11 of this report.</p> <p>I do not consider the proposal will affect any water resources significantly in terms of volume and flood risk.</p> <p>I am satisfied that subject to the measures proposed, standard best practise construction methods, site management and planning</p>	<p>No</p>

	conditions, no water resource (as listed) will be significantly affected by the project particularly in terms of volume and flood risk.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	I have not identified any evidence to suggest such susceptibility.	No
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	<p>The site is located well away from National Roads or Motorways.</p> <p>The site is surrounded by a number of local roads as well as the R125 and R156 Regional Roads.</p> <p>The development proposes the use of existing entrances for construction and operation subject to some widening works.</p> <p>The Applicant has submitted a 'Transport Management Plan (TMP)' which details intended traffic routing and access as supplemented at FI stage.</p> <p>I also note the submissions of Transport Section of the local authority and the final grant of permission of MCC.</p> <p>I have considered related concerns as raised in the Appeals (see section 7.10) especially</p>	No

	<p>regarding the condition of the local roads and proximity of the school.</p> <p>Subject to measures proposed, standard best practise construction methods, site management and planning conditions the proposal is not likely to cause significant congestion or cause significant environmental problems to the transport routes identified.</p>	
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>I note a number of one-off houses are located in the wider area. The Mulhussey Primary school is located c. 50m east of the eastern site boundary on the northern most parcel of land.</p> <p>Subject to appropriate planning conditions the proposal will not have significant adverse impacts on the environment.</p>	No
<p>3. Any other factors that should be considered which could lead to environmental impacts</p>		
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>The potential for cumulative construction impacts is considered.</p> <p>The Board should have particular regard to</p>	No

	<p>ABP-320738-24 a SID application for a substation within this subject site boundary, especially if determined before the subject application.</p> <p>Other developments as set out in section 4.0 have also been considered.</p> <p>Together they could all be considered to contribute to a wider large scale change that could result in a cumulative effect on the environment and in particular the landscape.</p> <p>Subject to measures proposed including the CEMP, best practise construction methods, good site management and planning conditions I do not consider there to be significant adverse impacts.</p> <p>Cumulative landscape and visual impacts should also be considered but in the context of the existing Maynooth – Gorman 220kV overhead transmission line that traverses the site and proposed ABP-320738-24.</p> <p>Having considered the submitted LVIA, the site context and the sites zoning objective and LCA, and subject to</p>	
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	appropriate planning conditions, I do not consider the proposal likely to have significant adverse impacts on the environment. Cumulative operational impacts are not considered significant.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	The proposal is contained wholly in Meath and does not have potential for transboundary effects.	
3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	<div style="border: 1px solid black; width: 100px; height: 40px; margin: 0 auto; text-align: center; line-height: 40px;">✓</div>	EIAR Not Required
Real likelihood of significant effects on the environment.	<div style="border: 1px solid black; width: 100px; height: 25px; margin: 0 auto;"></div>	
D. MAIN REASONS AND CONSIDERATIONS		
<p>Having regard to-</p> <ul style="list-style-type: none"> The nature and scale of the proposed development, which is not a class of development set out in Schedule 5, Parts 1 and 2 of the Planning and Development Regulations 2001-24 as amended; The location of the proposed development and its proximity to existing electrical infrastructure; 		

- The nature of the existing site and the pattern of existing and permitted development in the surrounding area;
- The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as revised, and;
- The features and measures proposed by the applicant intended to avoid or prevent adverse effects on the environment, including measures identified in the submitted Natura Impact Statement and Flood Risk Assessment (and related Further Information submissions) and other Ecological related reports on file.

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore required.

Inspector _____ **Date:** _____

DP/ADP _____ **Date:** _____

14.0 Appendix 3- AA Screening Determination

14.1. Introduction

14.1.1. I have considered the proposed development of a Solar Farm and ancillary works in light of the requirements of S177U of the Planning and Development Act 2000 as amended. An AA Screening Report (AASR) and Natura Impact Statement (NIS) have been submitted by the applicants. These reports have been prepared by Moore Group Environmental Services and are both dated the 12/12/2023.

14.1.2. The AASR concludes-

“In the absence of mitigation measures during construction to control potential pollution of surface water, the potential effect on the Rye Water Valley/Cartron SAC is uncertain.

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 a European site.

Thus, in line with Departmental Guidance and having regard to ECJ and Irish case law and the ‘Precautionary Principle’, Stage 2 Appropriate Assessment is required.”

14.2. Description of the Site and Project

14.2.1. The site has a stated area of c. 205.15ha and is located in the townlands of Mulhussey, Batterstown, Longtown, Mullagh and Milltown in County Meath c. 4.5km northeast of Kilcock and c. 9.3km southwest of Dunshaughlin on a local road c. 1km east of the R125 Regional Road. The subject site includes three parcels of land, within which there are a number of existing agricultural fields. The parcels are generally divided by a local road with the largest parcel to the north with two others to the south.

14.2.2. The Jenkinstown Stream traverses the northern part of the application site from east to west before flowing south in close proximity to much of the western site boundary. The stream then flows through the sites southern land parcel.

- 14.2.3. Part of the site in the largest parcel to the north is traversed from a general north to south direction by the existing Maynooth – Gorman overhead line i.e. the National Grid.
- 14.2.4. An Ecological Impact Assessment (EclA) has also been submitted with the application and in section 5.1 the development site is categorised²⁸ as consisting of the following habitat types Drainage Ditches (FW4), Improved grassland (GA1), Hedgerows (WL1), Treelines (WL2), Scrub (WS1), Arable Crops (BC1), Recolonising Bare Ground (ED2) and Buildings and Artificial Surfaces (BL3). These are then presented on Habitats Maps in Figure 5 and 6 of the EclA. These descriptions are consistent with my observations on site.
- 14.2.5. The proposed development is described in section 3.0 of this report and in section 3 of the applicant's 'Screening for Appropriate Assessment' (AASR). In general it comprises a Solar Farm consisting of a series of ground mounted solar photovoltaic (PV) panels, mounted on steel support structures and ancillary development. Wastewater will be stored on site within a tank within the construction facilities before removal²⁹.
- 14.2.6. A Screening Report (SR) for EIA has been submitted with the application. This report includes EIA Screening which addresses a number of environmental factors typical to the EIA Directive. The report concludes that the proposed development will not result in any significant effects on the environment.

14.3. **Potential impact mechanisms from the project**

- 14.3.1. The proposed development 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 any European sites.
- 14.3.2. The proposed development is examined in relation to any possible interaction with European sites, i.e. 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.

²⁸ In accordance with the Heritage Council publication "A Guide to Habitats in Ireland" (Fossitt, 2000).

²⁹ Question 20 of application form.

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

- Surface water or groundwater pollution or contamination from silt, chemicals, oils, hydrocarbons, etc. during construction resulting in changes to environmental conditions such as water quality/ habitat degradation
- Surface water or groundwater pollution arising during the operational stage
- Habitat disturbance /species disturbance during both construction and operational stages

14.4. **European Sites at Risk**

14.4.1. Section 4 of the Applicants AASR details a zone of influence (Zol) was established to identify how the proposal could have significant effects on the Qualifying/Special Conservation Interests of a designated European site using the source- pathway-receptor framework. This is considered in accordance with the OPR Practice Note (2021), PN01.

14.4.2. Table 1 on page 10 of the applicant's AASR identifies three sites within the potential Zol. These are-

- Rye Water Valley/Carlton SAC (001398) c. 5.5km to the SE of the site
- River Boyne and River Blackwater SAC (002299) c. 12.8km to NW of the site
- River Boyne and River Blackwater SPA (004232) c. 12.8km to NW of the site

14.4.3. The AASR then details the Jenkinstown Stream is a tributary of the Rye Water River and passes through the site twice, providing hydrological connectivity to the Rye Water Valley/Carlton SAC downstream.

14.4.4. The SR details the River Boyne and River Blackwater SAC (002299) and SPA (004232) are not hydrologically connected to the site and can be screened out.

14.4.5. Using the Source Pathway Receptor Model and having considered the content of the AASR, I consider the following designated European sites as set out in Table 1 below within the within a zone of influence of the proposed development i.e. there is an ecological connection or other pathway-

Table 1: European Sites at risk from impacts of the proposed project			
European Site	Qualifying Interests (summary)	Distance	Connections
Rye Water Valley/Cartron SAC (001398)	<ul style="list-style-type: none"> Narrow-mouthed Whorl Snail Vertigo angustior 1014 Desmoulin's Whorl Snail Vertigo moulinsiana 1016 Petrifying springs with tufa formation (Cratoneurion) 7220 	c. 5.5 km to south east	hydrological

14.4.6. Having applied the Source-Pathway-Receptor Model, I do not consider there to be any significant ecological or hydrological connectivity with the-

- River Boyne and River Blackwater SAC (002299) located as close as c. 12.8km northwest of the site and the
- River Boyne and River Blackwater SPA (004232) ranging from c. 20 km west of the site to as close as c.12.8 km north west of the site

that warrants either sites inclusion further in this screening exercise.

14.4.7. I also do not consider significant ground water effects likely given the nature of groundwater flow and the distance between the site and the SAC.

14.5. Likely significant effects on the European sites 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'				
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?		
		Construction Surface and ground water pollution	Operational Surface and ground water pollution	Habitat disturbance /species disturbance (Construction and Operation)
Rye Water Valley/Cartron SAC (001398)	https://www.npws.ie/protected-sites/sac/001398			

Petrifying springs with tufa formation	<p>To restore the favourable conservation condition</p> <p>The conservation objective describes this as a <i>“dynamic habitat and one which is likely to be significantly impacted by any reduction in water supply”</i></p> <p>It also states- <i>“further unsurveyed areas may be present in the SAC”</i>.</p>	Y	N	N
Narrow-mouthed Whorl Snail	<p>To restore the favourable conservation condition</p> <p>The Status of EU Protected Habitats and Species in Ireland 2019 Article 17 report details all whorl snails favour damp or wet habitats, where they live mostly in moss, leaves and decaying vegetation.</p> <p>This specie is primarily distributed on the Atlantic facing dune systems but does occur in a variety of habitats including dune and coastal grassland, fen, marsh, saltmarsh and floodplains.</p> <p>Habitats are easily modified by inappropriate grazing, changes in stocking type and the impact</p>	Y	N	N

	of wild herbivores, especially rabbits. Sand dune systems have been impacted by leisure activities – caravan sites and golf courses, mainly – and expansion of these activities has exerted significant pressure on some large sites.			
Desmoulin's Whorl Snail	<p>To maintain the favourable conservation condition</p> <p>The Status of EU Protected Habitats and Species in Ireland 2019 Article 17 report details-</p> <p>All whorl snails favour damp or wet habitats, where they live mostly in moss, leaves and decaying vegetation</p> <p>The main pressures are associated with natural succession resulting in species composition change and drying out of the habitat.</p>	Y	N	N

14.7.2. Having considered all of the above, including the Applicants submitted AASR, I conclude that the proposed development could during construction and operation have a likely significant indirect effect 'alone' on-

- Petrifying springs with tufa formation
- Narrow-mouthed Whorl Snail
- Desmoulin's Whorl Snail

All of which are qualifying interests of the Rye Water Valley/Carton SAC (001398) from effects generally associated with surface water pollution.

14.7.3. A stage 2 Appropriate Assessment is therefore required on the basis of the effects of the project 'alone.' Further assessment in-combination with other plans and projects is not required at this point.

14.8. Overall Conclusion - Screening Determination

14.8.1. In accordance with Section 177U(4) of the Planning and Development Act 2000, as amended and on the basis of objective information. I conclude that the proposed development is likely to have a significant effect on the Rye Water Valley/Cartron SAC (001398) from effects generally associated with surface water pollution during construction and operation. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 as amended is required on the basis of the effects of the project 'alone'.

14.8.2. No measures intended to avoid or reduce harmful effects on European sites were considered in reaching this conclusion.

15.0 Appendix 4- Appropriate Assessment

15.1. Introduction

15.1.1. The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB, sections 177U and 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,
- The Natura Impact Statement and associated documents, and
- Appropriate assessment of implications of the proposed development on the integrity of each European site.

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

15.2.1. 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.

15.2.2. 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).

15.3. The Natura Impact Statement

15.3.1. The application included a Natura Impact Statement by the Moore Group dated the 12th of December May 2023, which examines and assesses potential adverse effects of the proposed development on the following European Site-

- the Rye Water Valley/Carton SAC (001398)

15.3.2. The applicant's NIS concludes that-

“It is the conclusion of this NIS, on the basis of the best scientific knowledge available, and with the implementation of the mitigation and restriction measures set out under Section 3.5, that the possibility of any adverse effects on the integrity of the European Sites considered in this NIS (having regard to their conservation objectives), or on the integrity of any other European Sites (having regard to their conservation objectives,) arising from the proposed development, either alone or in combination with other plans or projects, can be excluded beyond reasonable scientific doubt.”

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

- the Rye Water Valley/Carton SAC (001398)

15.4. Appropriate Assessment of implications of the proposed development

15.4.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field as presented in the NIS. 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.

15.4.2. The following Guidance was considered in my assessment:

- OPR (2021) Practice Note PN01 Appropriate Assessment Screening for Development Management
- 'The Status of EU Protected Habitats and Species in Ireland' (2019) Article 17 of the Habitats Directive.
- DoEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC].

15.5. European Sites

15.5.1. The following sites are considered in this Appropriate Assessment:

- the Rye Water Valley/Carton SAC (001398)

15.5.2. Section 2 of the NIS details the Jenkinstown Stream flows through the site at two locations. It is noted drainage ditches within the site drain to the stream. The NIS also details the Calgath stream rises in the southwestern block, before flowing southeast to the Rye Water, while the Bryanstown Stream, another tributary of the Rye Water, runs along the southeastern boundary of the site³⁰.

³⁰ See also FI drawings PD-05, PD-06 and PD-07 for streams.

15.5.3. These stream drains directly to the Rye Water Valley/Carlton SAC c. 5.5km west of the site. The hydrological distance is estimated to be c. 11 km.

15.5.4. Section 3.3.2 and 3.3.3 of the NIS considers potential indirect impacts to this European Site in a worst case scenario leading to a significant detrimental change in water quality in the Rye Water River as a result of sedimentation/pollution, either alone or in combination with other projects or plans. This is further examined in section 3.4.2 of the NIS which details a significant detrimental change in water quality either alone or in combination with other projects or plans as a result of indirect pollution of surface water would affect the habitats or species for which the Rye Water Valley/Carlton SAC is designated. Pollution is considered possible accidental spillages and contaminated runoff. The following is also considered pertinent-

- Adverse changes may occur as a result of elevated suspended solids or negative effects from hydrocarbon spills or from cementitious water contamination
- sediment can carry nutrients,
- suspended solids can smother and change water chemistry negatively,
- cement and hydrocarbons are toxic in freshwater and can result in faunal mortality and can change water chemistry.

15.5.5. Having considered all of the above, I am satisfied the proposed development will not have any 'direct' effects on the qualifying interests of the SAC. I am satisfied the only potential effects are 'indirect' as described above and to the-

- Habitat (Annex 1)- Petrifying springs with tufa formation
- Species (Annex 2)-
 - Narrow-mouthed Whorl Snail and
 - Desmoulins Whorl Snail

all qualifying interests of the Rye Water Valley/Carlton SAC.

15.6. Mitigation Measures

15.6.1. The NIS details likelihood of adverse indirect impacts on hydrologically connected environmental sites is low and will be avoided by best practice construction management.

15.6.2. Notwithstanding this, a series of mitigation measures is set out in section 3.5 of the NIS to avoid adverse effects on European Sites. These measures can be summarised as follows-

- Best practice construction management measures
- Construction and Environmental Management Plan (CEMP)³¹
- Site Environmental Training and Awareness Procedures
- Site Specific Measures including control of Surface Waters and detailed measures to prevent pollution of water courses leading to the Rye Water River and associated downstream European site i.e.-
 - Prior to any works commencing, surface site drainage and silt control measures will be established. No run-off from machine servicing or concrete mixing areas will be allowed to enter water courses.
 - A silt barrier and a buffer zone will be employed to protect the main channel of the Jenkinstown, Calgath and Bryanstown Streams for the length of which they occur within the site boundary and where required outside to support protection of water quality.
 - In general, the pollution mitigation control measure shall comprise a primary silt fence system, adjacent staked straw bales, a minimum 1.5m wide vegetation strip and a secondary silt fence system. The primary and secondary silt fence system shall comprise a 0.75m high membrane with a void size of 180mm in accordance with ISO 11058.

³¹ A comprehensive CEMP prepared by IE Consulting Ltd (dated October 2023) is submitted with the application (Appendix IV) and has been reviewed. This CEMP provides for a suitably qualified ecological supervisor to be employed. This person shall be independent of the main contractor and shall ensure that all pollution control mitigation measures and environmental control measures are fully implemented and adhered to.

- Pumped concrete will be monitored carefully to ensure no accidental discharge to water courses. Mixer washings or excess concrete will not be discharged to watercourses.
- Fuels, lubricants and hydraulic fluids for equipment used on the construction site will be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and provided with spill containment according to best practice.
- Fuelling and lubrication of equipment will not be carried out close to water courses, a minimum distance of 15m will be observed where practicable.
- Any spillage of fuels, lubricants or hydraulic oils will be immediately contained and the contaminated soil removed from the site and disposed of appropriately.
- Emergency spill kits will be available on site.

15.6.3. Implementation measures include-

- Site personnel will be trained in the importance of preventing pollution and the mitigation measures proposed.
- A record of this training will be maintained by the Contractor
- The CEMP will be read and signed by the Contractor/Site Foreman and made available to the Local Authority.
- Monitoring and reporting will be employed

15.6.4. Subject to suitable planning conditions regarding these mitigation measures and to include agreement of CEMP with the Planning Authority, I am satisfied they will be sufficient to safeguard against adverse impacts to the Rye Water Valley/Carton SAC.

15.7. In-Combination Effects

15.7.1. It has already been established that there is potential for adverse impacts as identified from the project alone to undermine the conservation objectives of the Natura 2000 network. It is also necessary to consider in combination effects with other plans and projects

- 15.7.2. Section 3.6 of the applicant's NIS discusses the potential for in-combination effects. It details a review of the National Planning Application Database was undertaken. The database was then queried for developments granted planning permission within 500 m of the proposed development within the last three years which are presented in Table 2 of the NIS. These include a number of domestic type applications and an agricultural entrance. Generally, the table considers there is no potential for in-combination effects given the inclusion of best practice construction measures implemented through a CEMP.
- 15.7.3. The Board are advised this application was submitted to Meath County Council on the 19-12-23. The Board will note a Strategic Infrastructure Development application ABP- 320738-24 was received by An Bord Pleanála on the 02-09-24 for the development of a 220kV 'Loop in' Substation, Battery Energy Storage System, Overhead lines, and associated works. The boundary of the substation site is located within the subject solar farm application site boundary. The SID application was received following Pre-application Consultations under Section 182E of the Act (ABP Ref. ABP-317901-23). The Board determined the development subject to the PreApp to be SID on the 01st of February 2024.
- 15.7.4. In section 1.7 of the NIS the Applicant details the proposed solar farm will connect to the proposed Blackhall substation which will be located within the northern land parcel of this site. Notwithstanding this, in-combination effects with the proposed Blackhall substation has not been considered by the applicants in their submitted NIS.
- 15.7.5. Notwithstanding this the Board will note I am the reporting Inspector for ABP- 320738-24 which also included an AASR and NIS with mitigation measures proposed. I have considered the likely significant effects from the proposed Solar Farm and the proposed substation in-combination.
- 15.7.6. In totality, I have considered in-combination effects with developments listed in Table 2 of the applicants NIS, planning application ABP- 320738-24 and its NIS, as well as the developments identified in section 4 of this report.
- 15.7.7. Overall likely in-combination effects are considered those described and identified for the proposed development 'alone' i.e. potential for indirect effects to water quality. Having considered the mitigation measures as proposed and subject to typical

planning conditions, I am satisfied significant adverse in-combination effects to the Rye Water Valley/Carton SAC (001398) are not likely.

15.8. Integrity Test

- 15.8.1. 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 the Rye Water Valley/Carton SAC (001398) in view of its Conservation Objectives.

15.9. Appropriate Assessment Conclusion

- 15.9.1. The development of the proposed Solar Farm with ancillary infrastructure has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 15.9.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that the proposal may have a significant effect on the Rye Water Valley/Carton SAC (001398). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 15.9.3. 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 the Rye Water Valley/Carton SAC (001398) or any other European site, in view of the sites' Conservation Objectives.
- 15.9.4. This conclusion is based on a full and detailed assessment of all aspects of the proposed development including proposed mitigation measures in relation to the Conservation Objectives of the European sites and an assessment of likely in-combination effects with other plans and projects. No reasonable scientific doubt remains as to the absence of adverse effects on the integrity of the European Sites.