



An  
Bord  
Pleanála

## Inspector's Report ABP-320999-24.

|                                     |                                      |
|-------------------------------------|--------------------------------------|
| <b>Development</b>                  | 10 year permission for a solar farm. |
| <b>Location</b>                     | Toor Commons, Co. Westmeath          |
| <b>Planning Authority</b>           | Westmeath County Council.            |
| <b>Planning Authority Reg. Ref.</b> | 2460050.                             |
| <b>Applicant</b>                    | Harmony Solar Kildallan Ltd.         |
| <b>Type of Application</b>          | Permission.                          |
| <b>Planning Authority Decision</b>  | Grant with conditions.               |
| <b>Type of Appeal</b>               | Third Party                          |
| <b>Appellant(s)</b>                 | Brian & Catriona McGowan.            |
| <b>Observer(s)</b>                  | Alan Byce<br>Ger Maher               |
| <b>Date of Site Inspection</b>      | 18 <sup>th</sup> December 2024       |
| <b>Inspector</b>                    | Philip Davis.                        |

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## 1.0 Introduction

This appeal is by local residents, supported by a number of observers, against the decision of the planning authority to grant permission for a solar farm (known as Kildallon Solar Farm) on three parcels near the village of Ballynacarrigy in County Westmeath. Total site area is c. 140 hectares. The site is to be served by underground electric cabling to a 110kV transformer station (not part of the application) and includes 2 new site accesses along with associated works. Following a request for further information, some revisions were made to the original application, with additional information and revised reports attached. An NIS was submitted with the application and appeal.

## 2.0 Site Location and Description

### 2.1. Ballynacarrigy, Co. Westmeath

The village of Ballynacarrigy is located some 8km north-west of the town of Mullingar in County Westmeath, around 5km west of Lough Owel, and 2 km south of Lough Iron. The appeal site is on three land parcels of land south-east of the village, north of the R393 regional road that connects the village to Mullingar. The landscape of the area is characterised by undulating open poorly drained fields in pasture or conifer plantation generally between the 70 to 80 metre contour lines. Fields are generally bounded by ditches and high hedges with treelines. The Royal Canal runs generally parallel and south of the R393. Outside of the village, settlement in the area is generally sparse, with dwellings and farms scattered along the Regional Road and the minor roads running north to south from this road. There are indicators in the area of long settlement, including *fulacht fiadh*, a holy well with churchyard at Toor Commons, and a number of demesnes in the wider area. The area is drained by a series of small streams, all of which drain to the River Inny, a tributary of the River Shannon, west of the village. The local highpoint is the Hill of Laragh, south of the Royal Canal, at 123 metres AOD and just over 1 km south of the appeal site. This hill is topped by a pilgrimage site associated with St. Patrick. Lough Inny and Lough Owel are between 5 and 7 km from Ballynacarrigy.

## 2.2. Appeal site

The appeal site, with an area given as 140 hectares, consists of three roughly similar sized irregularly shaped plots of land on the north side of the R393, spread over a number of townlands. Two adjoin directly to the north side of the R393, the third, in Ballyhug townland, is accessed via third class roads. All three sites are open wet pasture and improved grassland, with land drains and are bounded by ditches and hedges.

The three sites are more or less aligned along a wide shallow valley running on a NW-SE alignment, drained by a stream and a series of drainage channels, all flowing north-west to the Inny River. The lands in general are relatively good pasture at higher levels, becoming progressively wetter as they descend to the boggy and marshy base of the valley.

Of the two parcels on the south-western side of the valley, both are bounded by the R393, extending generally downslope to terminate at drainage ditches and a mill race. The northwesternmost package, the largest of the three, is next to the village boundary of Ballynacarrigy, but over 1km from the village centre. This site undulates irregularly, with a gentle drop away from the road to the north. There is a high point at the south-eastern side of the site next to a seasonal pond. The site is mostly grazing land, divided into five fields bounded by ditches. There is an area of marshy land extending along a low point. There are two recorded ancient monuments within this site – both earthworks of which there are no visible remains. There are also the remains of what appears to have been a stone farmhouse with enclosure, and a number of other features that may be artificial, including a small pile of well weathered limestone blocks. It is bounded at the northwest by a minor third class road, in addition to an area of conifer woodland to the north. There is a cluster of *fulacta fiadh* within this woodland. There is a dwelling at the south-eastern corner and a number of dwellings bounding or close to the site along the north-western side.

The south-eastern block of land also extends from the R393 generally downslope towards wetter grassland and bog close to the base of the valley. It is next to a large farm complex, with another dwelling bounding it at the southwestern corner. A number of drainage ditches cross the lands. It is bounded to the north by a drainage ditch, with ditches and hedgerows and fencing on the other boundaries.

The north-eastern block extends in a south-westerly direction from a minor third-class road. There are dwellings next to the site (either side) along the road. The lands cover seven fields, with most of the ditches and hedgerows eroding, seemingly from grazing. The land is progressively wetter to the south-west, and the site terminates next to a deep drainage ditch. There is conifer plantation beyond this, covering much of the base of the valley.

### **3.0 Proposed Development**

The proposed development consists of a 10-year permission (lasting 40 years) for a solar farm. Full details are on the site notice (as amended). Key features are:

- 781,578 sqm of ground mounted photovoltaic panels.
- 17 no. hardstanding locations for electrical skids.
- New internal access tracks, plus underground power and communications cables and ducts, including along the L-5802; L5913; L1811; L5808 and R-393 roads.
- Two new access points.
- Landscaping and ancillary development, site works and services.

Details are provided of a potential underground connection to the grid following the road network – this is not part of the application.

### **4.0 Planning Authority Decision**

#### **4.1. Decision**

The planning authority decided to grant permission subject to 20 generally standard conditions.

## **4.2. Planning Authority Reports**

### **4.2.1. Planning Reports**

Two reports are on file, the second on foot of a request for further information. Key points are as follows:

- Notes the overall nature and extent of the proposed development and the context.
- Notes all reports submitted with the application, including:
  - ❖ Planning & Environment Report
  - ❖ EIA Screening Report
  - ❖ Decommissioning & Restoration Plan
  - ❖ AA Screening Report
  - ❖ Ecological Impact Screening (EcIA)
  - ❖ Hydrology and Hydrogeology report in addition to Flood Risk Assessment
  - ❖ Baseline Review Report (for the surface and groundwater environment)
  - ❖ Noise Scoping Report
  - ❖ Landscape and Visual Impact Assessment (LVIA) in addition to photomontages.
  - ❖ Glint and Glare Report with appendices
  - ❖ Archaeological and Cultural Heritage Assessment
  - ❖ Construction Environmental Management Plan (CEMP) in addition to outline Construction Methodology
  - ❖ Traffic and Transport Assessment.
- Notes internal reports, including request for additional information from IFI and DoHLGH.
- Notes regional policy objectives with regard to renewable energy and the protection of the rural economy and summarises relevant CDP policies.  
Concludes that the overall principle of a solar farm development on the site is acceptable.

- Notes new entrances off the R-393 and L-5808 required in addition to the use of existing farm entrances.
- Notes buffer zone around wetland areas and species rich grassland.
- Notes that the proposed development does not include a connection to the national grid – it is indicated that power would be exported via underground cable along the public highway connecting to the Clonardis 110kV transformer – this would be a 10.4 km long connection.
- Applicant to be requested to confirm construction timelines.
- The LVIA is noted, with 13 viewpoints selected. Two protected scenic views (20 and 24 in the CDP) are noted. There may be some visibility from view no. 20 (From Laragh Hill). It is concluded that having regard to the nature of the site the overall visual impact will be minimal and that the represented views are accurate and appropriate.
- 95 no. dwellings identified in the Glint and Glare Assessment (GGA) in addition to transport uses. Notes submissions by DoHLC on possible impacts on potential impact on birds.
- Notes that there are no design guidelines for residential developments. It is considered that there will be no residential impacts.
- It is noted that the Environment Section consider the noise assessment to be acceptable.
- No issues raised in regard to air and climate.
- The EcIA is noted – the site is of potential suitability for foraging and commuting bats. No evidence of otter noted. 45 species of birds recorded on the site. Notes request by DoHLC for an enlarged buffer zone at the north-western plot and a potential impact on snipe breeding site. Additional information required. Also, a Biodiversity Enhancement and Management Plan is required.
- Notes lack of detail on drainage – more information required.
- Notes no issues raised by the district engineer on sightlines and access proposals.

- Note little information on materials used for internal access tracks.
- Notes additional information needed on some aspects of construction and on lighting.
- Archaeology and Heritage Report submitted considered acceptable, but notes DoHLG requested further information.
- The proposed development is not considered to be problematic for tourism or public amenities.
- Notes the overall public consultation process engaged in by the applicants.
- Notes absence of Community Benefit scheme.
- Stage 1 Screening is not considered adequate.
- EIA not considered to be required.
- Floor Risk Assessment considered to be acceptable.

Following a request for further information (14 items), a second report was issued, dated 9<sup>th</sup> September 2024.

- Notes no objections from district Engineer or Environment Section subject to conditions. No further response received by IFI – additional conditions requested by DoHLGH (letter of 21/08/24)
- Notes changes to the proposal, including pulling back panels from the eastern part of the boundary, some realignments of fencing and landscaping, the removal of one access track, with an extension of one access track.
- Notes confirmation that a total of 791,587 sqm of solar panels are proposed.
- Timeline for construction to be c. 12 months.
- Additional information on internal tracks are considered acceptable.
- Notes 10 metre set back from all water channels to allow OPW maintenance.
- States that a Community Fund will be provided if it is to be constructed as part of an RESS scheme.
- Notes Biodiversity Plan submitted – conditions are recommended on this following a request by the DoHLGH.

- NIS was submitted – The conclusions of this are considered acceptable.
- Notes Archaeological and Cultural Heritage Assessment submitted, which includes details for protecting potential archaeological remains. This is considered acceptable subject to conditions.
- The revised GGA is considered to be acceptable.
- Internal consultation on the revised Drainage proposals indicate that no issues arise.
- Additional information on the CEMP and use of materials for internal routes is considered acceptable.
- Notes that it is confirmed that no artificial lighting is proposed for construction or operational periods.
- It is concluded that all issues have been adequately addressed. Permission recommended subject to 20 no. conditions.

#### 4.2.2. Other Technical Reports

**District Engineer:** No issues with proposed accesses subject to condition.

**Environment:** No objection subject to conditions.

#### 4.3. Prescribed Bodies

**Inland Fisheries Ireland (IFI):** Requested additional information on a number of issues and requested a biodiversity plan.

**DoHLGH:** A number of items of additional information requested on heritage issues. Following the further information request, conditions requested on monitoring ground nesting birds.

**An Taisce:** Notes requirements of Habitats Directive and lack of Biodiversity plan, plus proximity to River Inny. Following the submission of further information, emphasises the importance of sourcing Hawthorn seedlings of Irish provenance in the landscaping.

#### **4.4. Third Party Observations**

A total of 16 no. observations were made, all objecting to the proposed development.

Key grounds for objection include:

- Inappropriateness of the site for a solar farm, questioning of carbon benefits, and the loss of agricultural land.
- Visual impact on the landscape.
- Residential amenity impacts and devaluation of property.
- Impact on biodiversity and lack of information on overall biodiversity impacts.
- Traffic impacts.
- Health impacts (including noise impacts)
- Glint and Glare impacts.
- Impact on heritage sites in the area.
- Flooding impacts.

Additionally, one local representative submitted an observation raising a number of concerns about the choice of site and local impacts.

Following the submission of further information, 6. Submissions were made, restating grounds for objecting.

### **5.0 Planning History**

There is no relevant planning history indicated on the file.

### **6.0 Policy Context**

#### **6.1. Development Plan**

The site is in unzoned open countryside in the Westmeath County Development Plan (WCDP) 2021-2027.

Policy on solar energy is set out in section 10.24 of the CDP. It states that:

*Solar energy is any type of energy generated by the sun. It is a renewable energy source which reduces demand for electricity supply from the national grid where energy is mainly sourced from finite fossil fuels. Solar can be a passive energy source i.e. sunlight heating up a room or an active energy source where sunlight is harvested and converted to electricity in solar cells. Solar technology is developing at a rapid pace and has minimal impact on the environment. The Council will continue to encourage solar energy in commercial and residential developments, subject to design and other environmental considerations.*

Specific policy objectives are set out in CPO 10.149 to CPO 10.151 whereby it states that it is a policy objective of WCC to:

|                   |  |
|-------------------|--|
| <b>CPO 10.149</b> | Support Ireland's renewable energy commitments outlined in national policy by facilitating solar power where such development does not have a negative impact on the surrounding environment, landscape, historic buildings or local amenities   |
| <b>CPO 10.150</b> | Encourage and support the development of solar energy infrastructure, including solar PV, solar thermal and seasonal storage facilities  |
| <b>CPO 10.151</b> | Ensure that proposals for solar farms consider the following criteria: <ul style="list-style-type: none"><li>• The Landscape Character of the County.</li><li>• Visual impact particularly on raised/elevated sites.</li><li>• Zone of visual influence and visual impact of the structures.</li><li>• Glint and glare report and potential impact on adjoining road networks and dwellings.</li></ul> |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Road access and impact on road network serving the site during the construction phase (A pre and post construction impact report may be required).</li> <li>• Archaeological Impact.</li> <li>• Incorporation of security measures – use of CCTV/surveillance cameras and security fencing.</li> <li>• The suitability/strength of the grid and accessibility to it.</li> <li>• The suitability of the site, having regard to other land use policies, including the need to protect areas of important built and natural heritage.</li> <li>• Decommissioning of obsolete infrastructure and after-use.</li> </ul> |
|--|--|

Additional relevant policies quoted by the planning authority include those on Lakes and Waterways (CPO 6.45; CPO 6.64; CPO 6.47) and on Greenways (CPO 6.59 and CPO 6.60) due to the sites proximity to the Royal Canal and leisure cycling/walking routes; in addition to policy on Landscape and Lake Management (Chapter 13), in addition to specific policies relating to the categories listed in CPO 10.151 above.

## 6.2. National and Regional policy context

### EU Renewable Energy Directive 2009/28/EC

Promotes and sets out legally binding targets for renewable energy.

### European 2020 Strategy for Growth.

Sets out targets for renewables and greenhouse gas emissions.

### EU 2030 Climate and Energy Framework

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

### EU Energy Roadmap 2050

Sets out differing options for achieving above mentioned goals.

### European Green Deal

A set of proposals set out by the European Commission in December 2019 to make Europe the first climate neutral continent.

### REPowerEU Plan

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

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

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

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

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

### National Mitigation Plan 2017 (updated January 2021)

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

### National Energy & Climate Plan 2021-2030

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

### Climate Action Plan (2024)

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

National Biodiversity Action Plan, 2022:

Sets out actions that a range of public and private sectors will undertake to achieve Ireland's 'Vision for Biodiversity'.

National Development Plan 2021-2030

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

National Planning Framework.

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

Eastern Midlands Regional Spatial and Economic Strategy 2019-2031

Sets out an integrated policy to enable the creation of sustainable regions with the capability to be resilient to future climate change. The Regional Policy Objectives (RPOs) contained in the RSES are designed to promote efficiencies in water and energy use and the move towards a low carbon economy. **RPO 7.31** requires Local Authorities to develop Climate Action Strategies (CAS) as well as local climate adaptation and mitigation strategies. The Meath Climate Action Strategy was adopted in September 2019. The RSES states that the Strategy 'supports an increase in the amount of new renewable resources in the Region (page 178).

### **6.3. Natural Heritage Designations**

The Lough Iron SPA (004061), designated for its importance for a number of waterfowl, is located less than 1km north of the site – the site is not within the hydraulic catchment of this SPA. The Lough Owel SAC (000688) is located some 5km to the east. This site is designated for its oligo-mesotrophic waters with benthic

vegetation, transition mires and quaking bogs, alkaline fens, and the white clawed crayfish.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

In a detailed submission (including a consultant's report and a submission by the appellant), it is argued that the site is part of a landscape of high scenic and wildlife quality, and the proposed development would seriously impact on the tranquil qualities of the area. In further details it is argued that:

- It is noted that there is no national policy framework for assessing solar farms.
- In the light of the above, it is argued in some detail that it is contrary to Westmeath policy objectives with regard to promoting tourism and protecting landscape and heritage resources. Its proximity to designated wildlife habitats is also noted.
- It is argued that it will significantly disrupt local drainage patterns and potentially cause pluvial flooding.
- The concerns by the DoHLGH and IFI on glint and glare are noted – it is submitted that the concerns were not adequately addressed in the Glint and Glare report submitted.
- Concerns about the impact on residential amenity are outlined, both in terms of visual intrusion and noise.
- Additional issues are outlined on traffic impacts (including potential icing from the shading of the roads) and devaluation of property by the aforementioned reasons.
- Notes the Board refusal for ABP-317952-23 (water quality issues), in addition to other refusals by ABP and WCC.
- It is argued that the Ecological Impact Assessment (EclA) and NIS do not adequately address habitat and wildlife issues.
- It is argued that an EIA is required for such developments.

- It is noted that permissions will be required for connections to the 110kV network.
- The proposed development has the potential to impact negatively on potential archaeological and other culturally significant sites in the area. Specific issues are set out with regard to the Sonna Demesne, Tristernagh Abbey, and other developments linked to these sites. It is suggested that there may be unidentified tunnel structures within these lands. Details are set out about other potential features of historic and cultural importance in the vicinity. Refers to specific policy on archaeology and cultural heritage – WCDP 14.6; 14.7 and 14.11.
- It is argued that it would be contrary to WCDP policy on protecting the area's natural resources to foster tourism (CPO 6.6 and 6.7)
- It is argued that it is contrary to WCDP policy on solar power with regard to protecting local landscape and historic buildings.
- With regard to local designated habitats, it is noted that the whooper swan is of particular importance to the area. It is argued in some detail that the site is important for a range of species, including the qualifying interests of nearby EU designated sites. It is noted that national biodiversity data centre records indications 7 species within Annex 1 of the EU Birds Directive are known on the site.
- It is argued that it represents an unacceptable loss of agricultural land.
- It is argued that it will increase flooding in the area and may result in groundwater contamination.
- Notes and lists out all relevant EU Directives and objectives with regard to ground and surface waters that are relevant to the application.
- Argues that it would have an unacceptable impact on the residential amenities of a number of dwellings in the area.
- It is argued that it would impact on local views, specifically the view from their home across the landscape (this is indicated as near zone C in the north-eastern land parcel). It is submitted that there would be cumulative impacts with other permitted solar farms in the area.

- Refers to a submitted noise report (attached as an appendix to this submission) arguing that the noise levels from the proposed 31 inverters would be unacceptable. Reference is made to tonal noises and uncertainties. It is argued that the overall noise report submitted did not adequately address the quiet, rural nature of the site.
- Notes that there is no strategic planning framework for solar farms and submits that the proposed development is inappropriate and premature pending such a framework.
- Argues that there was insufficient consultation and community engagement prior to the application.
- It is finally argued that the proposed development would have an unacceptable impact on the overall historical, archaeological, landscape and cultural value of the local landscape and would be contrary to WCDP policy objective 12.25.

## **7.2. Applicant Response**

- It is argued that all the issues raised in the appeal were fully addressed by the Council in its planning report.
- An overview and defence of the proposed development is set out in the response.

With regard to the specific grounds of appeal:

- It is argued that the proposed development is consistent with CDP policy and that the specific site was selected in full view of national and local policies.
- With regard to visual impacts, the Board is referred to the LVIA submitted with the application, specifically section 1.1.3.3 which sets out the levels of sensitivity. It is noted that the Council agreed with the conclusions of the LVIA.
- It is denied that there would be any significant impact on tourism and heritage- it is argued that direct and indirect impacts on heritage have been fully addressed in the application. Appendix C of the response includes a letter from John Cronin & Associates with regard to heritage issues.

- With regard to surface water drainage and flood risk, the Board is referred to the Drainage Management Plan submitted and its conclusion, although with all the relevant design details (interception drains, settlement ponds, etc) intended to address all issues.
- For Glint and Glare issues, it is noted that following submissions from the DoHLGH and IFI, a further glint and glare assessment was submitted that addressed all issues raised in the submission. It is noted that no further concerns were raised by the department or IFI following the revised information.
- The Board is referred to the additional information submitted during the application indicating that panels at the eastern part of the parcel close to the appellants property were pushed back, and there were realignments of landscaping and access tracks to address amenity concerns, in addition to concerns relating to property devaluation.
- With regard to ecology issues, the Board is referred to the Ecological Impact Assessment (EclA) for surveys and analysis of red list species – it is also stated that the Biodiversity Management Plan (BMP submitted addresses habitat loss. The applicant restates their conclusions from the NIS on impacts on the nearby protected sties.
- It is noted that the planning authority agreed with the applicant that EIA was not required.
- It is argued that there is no basis in evidence for the claim that additional shading of the roads would result in a traffic hazard.
- Appendix B of the submission includes a technical note addressing points on the noise assessment made in the submissions.

### **7.3. Planning Authority Response**

No response submitted.

## **7.4. Observations**

### **Gerard Maher of Ballysallagh**

- Supports the grounds of appeal.
- It is questioned if the site is appropriate for a solar farm.
- It is argued that it is contrary to WCC policy to protect the environment of sensitive places.
- Notes proximity to Lough Iron SPA and presence of two red listed species on the site and outlines concerns about the impact on wildlife and habitats.
- Notes lack of statutory guidance for such developments and submits that it is contrary to guidance and EU law.

### **Alan Boyce of Ballyhoreen**

- Supports the grounds of appeal
- Argues that the lands are not suitable for a solar farm and that the submitted LVIA does not take the amenities in the area fully into account.
- Suggests that water pollution issues have not been fully addressed.
- Issues with traffic generation and the potential hazard from shading (black ice).
- Concerns about property price depreciation of homes in the vicinity.

## **7.5. Further Responses**

No further responses.

## **8.0 EIA Screening**

The applicant submitted a Screening Report dated February 2024 prepared by Gravis Planning which concluded that EIA was not required, and this was accepted by the planning authority. The Screening Determination is undertaken in Form 3 of Appendix 1 to this report. This concludes that the proposed development is not likely to have significant direct, indirect or cumulative effects on the environment and

that the preparation and submission of an environmental impact assessment report would have regard to: -

- the nature and scale of the proposed development, which is below the thresholds in respect of **Class 1(a) and/or Class 10(dd)** of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;
- The consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of solar farms which is not, of itself, a class for the purposes of the EIA Directive;
- the nature of the existing site and the existing and pattern of 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 of the Planning and Development Regulations 2001, as revised; and,
- the features and measures proposed by the developer that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project - Landscape and visual impact assessment, Ecological appraisal and biodiversity management plan, Archaeological impact assessment, Flood risk assessment / drainage impact assessment., noise impact assessment, glint and glare assessment, Construction Environmental Management Plan, and Decommissioning Plan.

I conclude therefore that the proposed development would not be likely to have significant direct, indirect or cumulative effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

## 9.0 Assessment

Having inspected the site and reviewed the file documents, I conclude that the core planning, environmental and other statutory requirements of the proposed development can be addressed under the general subheadings below.

- Principle of development
- Landscape and visual impacts
- Tourism
- Glint & Glare Assessment
- Noise Assessment
- Residential amenity and property values
- Biodiversity
- Cultural heritage
- Construction issues
- Traffic & Transport Assessment
- Hydrology Appraisal/Flood Risk Assessment
- Decommissioning/Restoration Plan
- Appropriate Assessment

### 9.1. Principle of development

As noted by the appellant, there is no specific national policy guidance on solar power. The overall policy context for renewable energy and associated infrastructure is set by EU targets for renewables (**Directive 2018/2001/EU**) and related plans and guidance including the **REPowerEU Plan** from 2022 and the **Energy Roadmap 2050**. Irish national policy is set within **the National Planning Framework**, the **National Energy and Climate Plan 2021-2030**, White Paper ‘**Ireland’s Transition to a Low Carbon Energy Future 2015-2030**’, the **National Energy & Climate Plan 2021-2030**, the **National Renewable Energy Action Plan** (on foot of Directive 2009/28/EC) and the **Climate Action Plan 2024**. The latter sets clear statutory requirements for developing low carbon energy.

**The Regional Spatial & Economic Strategy (RSES) 2019-2030** is generally favourable to all renewable energy proposals as part of national and regional objectives to decarbonise the energy sector (page 178 of the RSES).

The site is located on rural agricultural land without a specific development zoning designation. General policy on renewable energy is set out in Chapter 10 of the **Westmeath County Development Plan (WCDP) 2021-2027**. Policy objectives CPO 10.149 and CPO 10.150 generally set out a favourable policy environment for solar farms within the context of national policy, subject to related policies on ecology, landscape, biodiversity, cultural heritage, rural development, flooding, and other planning and environment constraints.

The appellant and observers have raised concerns about the loss of agricultural land and potential impacts on rural economic development. There are no specific national or local policy objectives relating to preventing the use of agricultural land for other purposes, but I would note that the proposal is for a temporary (albeit 40 year) use of the site, with it reverting to agriculture after that period in the absence of another permission. A number of previous Board decisions relating to this topic – PL17.248939 and PL17.248028 – both of which concluded there was no basis in policy to refuse for a loss of agricultural land. A number of policy objectives focus on facilitating and encouraging diversity and further development in rural areas, although they do not specifically apply to solar farms or related developments – I would consider that the proposed use is neutral in terms of rural socio-economic development – there is a loss of agricultural use, but also an additional local economic gain, albeit a very small one in terms of employment.

There is no relevant planning history for the site, but a number of solar farms have been applied for within the county of Westmeath. It is noted that several have been refused – these have been for site specific reasons.

I would conclude from the above that the overall principle of a solar development on these lands is to be viewed favourably from the perspective of national, regional and local policy and guidance, subject to the overall principles of proper planning and sustainable development, other statutory requirements, and the specific requirements for such developments set out in policy objective CPO 10.151 of the WCDP.

## **9.2. Landscape and visual impacts**

The applicants submitted a Landscape and Visual Assessment (LVIA) with the application, which included 13 viewpoint visualisations. The planning authority stated that they considered the visual assessment to be acceptable and the choice of viewpoints acceptable. They noted that the sites would be partially visible from one designated scenic view (Laragh Hill), but that the impact from this point would be minor. The appellant and observer have argued that the overall landscape in the area is of high quality and important for tourism and amenity and that a solar farm in the area is an inappropriate land use. It is noted that there are a number of historic monuments in the area, plus popular cycling/walking routes (on the minor road network), in addition to the Royal Canal (with its greenway) running just south of the site.

The LVIA includes a total of 13 no visualisations, mostly from roads and areas of interest within 2 km of the site. The planning authority considered the choice of viewpoints to be appropriate and I concur with this conclusion – there are a number of other possible viewpoints which I have identified in the photos attached to this report. There are no viewpoints identified from Ballynacarrigy village, but from my site visit I am satisfied that there are no clear views from the village to the lands. There may be some visibility from the somewhat elevated GAA pitches at the northeast side of the village, but otherwise buildings, topography, and vegetation obscures views towards the site.

The main tourism attraction in the area would be the Royal Canal, with its greenway extending from Dublin. For much of its route through the area it is in a cutting and otherwise there is dense vegetation on either side, ensuring no direct views towards the site from the canal and the moorings next to Ballynacarrigy village. Vegetation and topography also obscure views from the humpback bridges crossing the canal. There is a designated leisure cycle path between the area and Lough Owel – this follows minor roads. Due to topography and distance, there are no clear views towards the site from this cycle route.

There is one designated scenic view from which the site appears to be visible. This is Laragh Hill, approximately 1.5km. This extended ridge has associations with St. Patrick and has panoramic views over much of this part of Westmeath and appears to be a local penitential station. There is a mound here of uncertain origin and

history but according to the sites and monuments record could be a neolithic or bronze age tomb. Visualisation VP11 is taken from this point. The planning authority considered that while some panels may be visible from this point, the overall impact would be quite minor and acceptable. Even in winter, I noted that none of the three parcels were easy to identify due to vegetation cover, but I concur that there could be some visibility, but I would consider the impact to be very minor.

As two of the parcels of land directly bound the regional road, and in both cases there is just a fence or degraded hedge as a boundary, the initial visual impact will be quite significant when viewed from this road. It will take some time for the proposed strengthening of the hedges to mature, so there will be a short term impact, but in the long term I do not consider that the impact will be particularly significant. A combination of setbacks and additional planting will largely screen the lands from nearby dwellings, although a number of houses on the north-eastern side of the plot nearest to Ballynacarrigy are on slightly elevated sites and as such will be within visual range, albeit with at least one line of hedgerow blocking views. There is also a small third class cul-de sac road (next to viewpoint VP8) with a near continuous line of dwellings – due to the topography, there are some clear views from parts of the site to windows to the rear of some of these properties, so there will be some level of intrusion. The north-eastern block is bounded by high hedges and falls away in level from the adjoining road, so will only be intermittently visible from any public viewpoint.

The appellant highlighted the number of historic sites in the area, such as the Sonna Demesne and a number of ecclesiastical sites. VP13 and VP7 are from two of these sites. There are no clear views due to topography and vegetation, with any visual intrusion likely to be minor, even in the winter months.

The appellant raises the more general issue of the importance of the overall landscape and its cultural importance. There are many recorded ancient monuments in the area, ranging from potential neolithic sites to more recent demesne lands and churches. The overall landscape is undoubtedly of importance, both for tourism and its cultural value, and it is very reasonable of the appellant and the parties to the original application to highlight the potential for destruction and intrusion. The panels are undoubtedly a very new form of feature within rural

landscapes and before the hedgerow reinforcement matures, could be quite discordant from some perspectives.

Notwithstanding this, the landscape is part of the working countryside and much of it is quite intensively farmed, with very clear degradation of the existing field pattern in addition to a range of quite modern intrusions, such as conifer plantations. The proposed development does not permanently alter the landscape, and I am satisfied that with time the additional hedgerow reinforcement and landscaping will contribute positively to the area in visual terms. In overall terms, I would consider the impact on the landscape to be generally neutral when compared to the changes likely occur to such agricultural lands over the projected lifetime (40 years) of the development. I therefore conclude that the landscape impacts are acceptable with regard to both designated landscapes/scenic routes and tourism resources within the general area, and do not contravene any stated landscape or related policy. The overall mitigation measures set out within the development proposals, specifically the proposed strengthening of hedgerows and treelines will over time mitigate direct visual impacts.

### **9.3. Tourism**

As I have noted in the section above, while there are a number of tourism resources in the area, including the Royal Canal and some historic features, in addition to cycle routes and greenways, I do not consider that the impact on any of these is significant in socio-economic terms.

The appellants have argued that it represents a degradation of the overall landscape with regard to its cultural and tourism resource – it is likely in the short term that the construction activities will be somewhat intrusive, and the landscape buffering will take some time to establish. But over the lifetime of the development, and with regard to the current use of the lands, I am satisfied that the impacts will be negligible.

### **9.4. Glint & Glare Assessment**

The applicants submitted a Glint and Glare Assessment (GGA) dated February 2024, with some additional clarification information and minor amendments

submitted with the further information request. The appellant and observer has raised concerns about the impact on local residents in the overall area.

The GGA was carried out using accepted best practice, although there is currently no specific guidance or standards for this in Ireland. US FAA and UK guidance is used in the GGA.

Section 2.3 of the GGA sets out the overall parameters of the study and the identified zones for theoretical impacts. A mitigation by design approach is stated to have been followed, a particular feature of which is to allow all exiting hedgerows around the perimeter of the lands to be allowed to 'grow out', with additional planting to provide natural suppression of reflections from the panels. In addition, some high points within the sites (in particular a raised area within the northwest parcel) are not to be covered with panels. These areas are indicated in the attached plans.

Figures 5,6 and 7 in the GGA indicate potential receptors and Table 3 identifies dwellings with some theoretical potential for impact. 95 dwellings were examined, with a possible impact identified at 80. The analysis indicates that 9 of these have potential post mitigation issues, with 8 of these having the potential for glint and glare effects. Section 4.3 lists these dwellings. The overall conclusion is that all of these have negligible to no potential for significant impacts.

The GGA further (section 4.5) identifies possible impacts on road receptors. It is concluded that while there is some potential for glint and glare along the road, there is no potential for nuisance or hazard effects.

Section 5 addresses aviation receptors. No aerodromes were identified with the Solar Safeguarding zones as set out in the relevant regulations (summarised in Section 5.3). The closes aerodrome is Abbeyshrule Aerodrome in County Longford. No impacts are identified.

The original application was ambiguous in terms of the level of reflectivity of the panels – in the further information request it was confirmed that an anti-reflective finish will be used to minimise reflections and eliminate the possibility of bird mortality due to waterbirds mistaking the panels for open water.

The planning authority considered the GGA to be acceptable and in line with best practice. I concur with this conclusion – while some glint and glare impacts are possible in a small number of dwellings and/or along the main road, I am satisfied that the mitigation measures set out would adequately address these to the extent

that they do not constitute a significant amenity impact, nor do they represent a road or aviation hazard.

### **9.5.Noise**

A Noise Scoping Report was submitted with the application, which addressed possible noise impacts from construction, operational and decommissioning phases. It is noted that noise mitigation measures for construction and decommissioning are set out in the CEMP. It is assumed that all works will take place during normal daytime working hours. It is concluded that noise levels from works on site will be within normal guidance parameters.

For operational noise assessment, it is noted that the principal noise source associated with solar farms are the inverters which are distributed around the site. It is assumed that the items will not contain any tonal or impulsive characteristics. 13 no. inverters are proposed for the northwest parcel, 8 no. for the northeast parcel and 10 no. for the southern parcel. The result of the modelling is set out in section 5.3. It is concluded that there is no noise sensitive location within the 45 dBA contour for all the inverters, none are within the 40 DBA contour for evening periods, and at night there are no noise sensitive locations within the 35 dB contour. No mitigation is considered to be required.

Having regard to the overall proposed layout of potential operational noise sources and the nature of the area, I am satisfied that the solar farm will not generate noise levels above those considered acceptable in published guidelines for such a rural area in the working countryside. The construction and operational impacts are not anticipated to be above and beyond what would be normal for such works, and there are no particularly sensitive receptors identified. Standard good practice for construction works can be anticipated to keep noise impacts within the bounds of acceptability.

### **9.6.Residential amenity, health and property values**

The appellant, observer, and the observers to the original application, refer to a number of potential residential impacts by way of general disturbance, visual impacts, glint and glare and noise. I would conclude on the basis of the technical

submissions addressed in the sections above that residential impacts have been adequately mitigated, and residual impacts can be addressed by condition.

The observer raised the potential for health impacts, without specifying in detail where these could arise. From available information, any health impact could arise by way of unacceptable levels of noise from electrical apparatus, or from construction impacts. I am satisfied that, with regard to the nature of the local environment and the details submitted, there is no basis for concluding that the proposed development would have significant health implications for direct neighbours or the overall community.

There are a number of dwellings in the vicinity of the proposed solar panels – from the information provided, I am satisfied that the mitigation measures set out by the applicant is sufficient to ensure there is no significant loss of value of those properties. The area is a working landscape with the potential for changing farming techniques – while the use of the land for solar energy is a relatively novel use for the Irish countryside, the overall impacts are not likely to differ significantly from those which would arise from a variety of agricultural or silvicultural activities that might reasonably be anticipated to take place on such farmland.

The appellant has raised the potential for a Community Benefit from the solar farm. There is no direct provision for this in guidance or in WCDP policy, but as noted by the applicant this can be a requirement of the RESS application, if the applicant chooses to apply for a connection by way of the RESS scheme (there is no commitment to this).

### **9.7. Biodiversity**

The applicant submitted a range of documentation relating to both the existing ecology of the site and requirements under the Habitats Directive (addressed in the AA section below). Following the further information request, a Biodiversity Management Plan (BMP) was submitted to complement the Ecological Impact Assessment (EclA) which accompanied the original application. Further information on potential impacts to ecology and proposed mitigation measures were submitted as part of the hydrology/flooding, the NIS and CEMP.

The overall site is a mix of grasslands, some improved, some marginal wetland alone with a range of hedgerow boundaries and ditches with standing and sometimes running water. The BMP and EclA provide a full assessment of both habitats and species identified on the lands. Although no badgers or otters were noted on the lands, it is potentially suitable habitat. The overall area is considered good habitat for bats (no structures or trees that could contain roosts are identified for removal). There is a seasonal pond and extensive marshy area in the north-western parcel of land – it is not proposed to put solar panels on this section. There are a number of marshy areas in the northern section of this parcel. The lands are bounded by, and intersected, by a number of hedgerows of various levels of integrity – some have been largely removed, likely from direct grazing rather than direct removal. A number of drains intersect the site, with all three parcels bounding directly on flowing land drains. The proposed development includes for the management of significant areas of minimally managed grassland on areas close to watercourses, and the improvement/management of existing hedges and treelines. No substantial removal of hedge or woodland is proposed. The BMP sets out proposals for the management of these areas of wetland and grassland. It is also proposed to keep sheep at a low stocking rate on the solar farm to encourage a higher diversity of wildflowers within the sward.

It is noted that the Meadow Pipit and Snipe were recorded on the site – these have red listed status. During my site visit I noted many snipe on the north-western parcel – both on the pond and in the wetland area. I saw one individual snipe on the south-eastern parcel. It is likely that the fringes and wet areas of the site have significant invertebrate interest.

The BMP also (section 3) sets out a program for monitoring the site over the operational period to manage areas for wildlife. This would include keeping the pond clear and ensuring that species rich grassland areas is appropriately managed, either by way of cutting or grazing. The EclA sets out general measures for protecting bats, mammals, birds, and other fauna and flora that could be impacted by the works (section 5). No bats, otters or badgers were noted during the surveys, but the area is potentially valuable for these species – the CEMP sets out proposals for a pre-construction survey of these species with appropriate mitigation to take place if they are identified. It is noted that there are no proposals to remove

mature trees or to directly interfere with the main watercourses, apart from two culverts over drains for access tracks.

Without prejudice to the issues raised in the AA, I am satisfied that the proposal, while it will alter parts of the natural habitats of the site and will result in the loss of much existing improved and semi-natural grassland, will provide positive overall biodiversity benefits if the full BMP is implemented for the operational life of the solar farm and the protection measures set out in the CEMP are followed. I am also satisfied that the mitigation measures set out in the EcIA will address construction, operational, and decommissioning impacts on species of note on the site and, while changes to the constitution of the habitats on and around the land parcels are inevitable with works of this nature and scale, on balance the lands will not lose their ecological value and the proposed mitigation measures will likely enhance the overall sites value for local wildlife.

#### **9.8. Cultural heritage**

An Archaeological and Cultural Heritage Assessment (ACHA) was submitted with the application, in addition to a geophysical survey of all three land parcels. The appellant highlighted the overall importance of the lands within the cultural landscape of the area, including the settings of recorded monuments and historic buildings in the vicinity (including those not specifically with protected status), and the potential for further archaeology within the site.

The overall area has clearly been settled for millennia, with recorded ancient monuments on and around the site – two potential enclosures are within the site - and a number of *fulacta fiadh* are noted in the marshy areas around the drainage channels near the northwestern parcel and there is a holy well close to the boundary. There is no evidence of intensive tillage on the lands so it is reasonable to assume that there may well be much archaeology yet to be discovered in the area. There is one significant structure on the lands – the remains of a farm and enclosure on the northwestern parcel – this is shown in the earliest OS maps as a substantial farming complex. It is now a ruin with only some standing walls remaining. It is not listed on the NIAH or the Sites and Monuments Record.

The ACHA utilised a desk study, geophysical study, and a later drone survey to further investigate identified features of interest. Section 4 of the ACHA notes the

conclusions of the geophysical survey and identified a number of features (Appendix 2 and 3). This confirmed features of the two identified recorded ancient monuments (no physical remains are visible) and confirmed the presence of a number of other possible subsurface features. It is proposed that all these will be preserved in situ – i.e. there will be no excavation. The use of concrete shoes or other non-invasive measures will be implemented for panels in the vicinity of these identified sites.

It is also noted that the proposed grid connection route will run close to a number of protected structures, but the route will follow existing road verges.

It is further noted that there are no structures within the NIAH or Protected Structures list within 400 metres of the proposed sites (I note that there is a fine farmhouse, seemingly of early 19<sup>th</sup> century date, close to the southeast parcel, but this is not on the NIAH). The ACHA recommended a programme of targeted pre-development archaeology test trenching to be carried out before the works commence. The planning authority confirmed this by condition and the details are also set out in the CEMP.

I note that the planning authority and relevant statutory consultees were satisfied with the information provided, subject to conditions relating to pre-construction works. I am satisfied that the information provided is in accordance with guidance and provides a full assessment of the potential archaeological value of the site, and the proposed mitigation measures are acceptable.

The impacts on the overall cultural landscape are more subjective – the appellant eloquently outlined the importance of the areas cultural history to local residents of the overall landscape and the complex interactions between both designated sites/features and the landscape qualities. The long history of human habitation of the area is written into the landscape, and the geophysical survey results show even more clearly the potential for the human story of this landscape to be explored. The lands are, however, part of a working landscape, and I am satisfied that the works as proposed will not damage physical remains of interest and the overall impact on the settings and views of buildings/features of importance in the area will be negligible to minor, and ultimately temporary in nature, apart from any destruction arising from investigatory trenching for archaeology.

### **9.9. Construction issues**

The applicants submitted a Construction Environmental Management Plan (CEMP) which was updated following the further information request – in addition Resource and Waste Management Plan (RWMP) was submitted.

The CEMP set out the consultations and inputs to the overall plan and provided an overview of the design and proposed mitigation measures. An Ecological Clerk of Works (ECoW) would be responsible for ensuring mitigation measures during construction were put in place and that there was regular monitoring and site audits. A Resource Manager would be appointed to be responsible for waste management. Pre work ecological surveys of the site and archaeological trenching would be carried out before the main works commence. All mature trees on site are to be retained and a bat survey would take place to identify any roosting places (none were identified during surveys for the application). Additionally, surveys for badger or otter presence would be carried out before works, and appropriate mitigation measures set out if they are identified. Standard water protection measures for construction will be implemented, and the mitigation measures set out in the ecological and biodiversity plans submitted with the application would all be followed. Mitigation measures for any archaeology identified during pre-construction works would be implemented (section 6.8). Waste to be managed in accordance with the RWMP. Although not part of the application, it is stated that horizontal directional drilling would be used for connection cabling where watercourses are to be crossed. The RWMP states that the aim will be for a materials balance for any cut and fill for the access tracks as an objective, although a full exercise has not been carried out. Mitigation measures for decommissioning will generally be the same as for construction.

The planning authority accepted the information provided in the application and subsequent further information submission, subject to standard conditions. I conclude that all the information provided is acceptable as submitted and is in line with best practice for the industry and appropriate for the locational context.

#### **9.10. Traffic & Transport Assessment**

The applicants submitted a Traffic and Transport Assessment (TTA) with the application, with a revised Traffic and Transport Statement (TTS) provided as part of the further information request. The planning authority accepted the proposals for construction and operational access (in further information, it was confirmed that construction would take approximately 12 months).

During construction, all HGV's will access via the R393. The two adjoining parcels will be accessed directly, the northeast parcel via the L5808 and L5807. The routes are indicated in Figure 2 of the TTA. None of these roads are subject to weight restrictions that would limit likely HGV access. It is acknowledged that parts of the L roads do not allow two vehicle passing, but it is submitted that due to the relatively low intensity of the works there is sufficient informal passing locations to enable 2-way traffic. It is indicated that all required visibility splays are achievable for the three parcels. In total, it is predicted that there will be a need for 1886 HGV deliveries for all three parcels, averaging 53 deliveries (103 movements) per day during construction (a more detailed breakdown with some revisions is provided in the TTS). The levels during decommissioning are anticipated to be similar. Operational traffic is anticipated to be just 1-2 per week. Standard procedures for traffic control are proposed. This was submitted to the planning authority which accepted the proposals subject to standard conditions.

The observers raised concerns about the potential hazard from black ice, arising from shading some parts of the local road network. I am satisfied that there would be no shading from any panels due to set back from the roads. Additional planting and strengthening of roadside hedgerows as proposed as part of the mitigation would result in some shadowing, but any additional risk of black ice would not be significantly worse than if the existing hedgerows were allowed grow out. I therefore do not consider that this represents a significant hazard.

#### **9.11. Hydrology Appraisal/Flood Risk Assessment (Water Framework Directive)**

The applicants submitted a Baseline Review Report (BRR) outlining the ground and surface water environment, in addition to a Hydrology and Hydrogeology Report

(HHR) and a Flood Risk Assessment (FRA). An additional Surface Water Management Plan (SWMP) was submitted as part of further information.

It is noted that the drainage channels running along the base of the shallow valley that separates the parcels, and forms some of the boundary, are Arterial Drainage Scheme (ADS) Channels, maintained under the Arterial Drainage Acts, and as such are subject to an OPW statutory obligation for maintenance. The site is within the Upper Shannon Water Framework Directive (WFD) catchment. It is within the Inny sub-catchments (three of these). The EPA monitoring stations along this tributary of the Inny indicate water quality from poor to good (3-4). There are no direct indications of pollution sources, but deep poaching and mud along with suspended solids in run-off from animal stocking was visibly apparent during my site visit.

The site is in proximity to Lough Iron but is not hydrologically connected (the Inny River flows from this lake – the tributaries drain into the river downstream of the lake). Lough Owel and Lough Ennell are not hydraulically connected to the parcels, but part of the proposed grid connection (not part of the application) crosses over part of their catchment. The closest lake to the site within the hydraulic catchment is Lough Ree on the Shannon, some 30km distant. The WFD status of Loughs Ree, Ennell and Owel is considered good. The Royal Canal is not in hydrological continuity with the lands.

The parcels overlie limestone bodies, with subsoils of till, cutover and fen peat. There are no visible rock outcrops (apart from what appears to be an artificial rock pile of very weathered limestone in the north-west parcel). The area is over a mix of high to moderate vulnerability groundwater.

There is one area of seasonal standing water on the site – on the southern side of the northwest parcel. This is temporary and described in the report as the result of ponding, which is likely, although I would not rule out that it has turlough characteristics (there are no indications of its presence on older OS maps). At the time of my site visit this pond was full of quite muddy water, with no transient water edge vegetation.

The sites are drained by an internal network of ditches, most of which were dry at the time of my site visit (one with running water in the north-east parcel). They all drain to the Ballycannon streams, which are the tributaries of the Inny.

The reports concluded that while parts of the site are at risk of pluvial flooding due to poor drainage, flat ground and impermeable soils, but this will not impact on the ground conditions of the solar panels due to ground clearance heights. The BRR and HRR recommended that internal routes be designed to avoid areas of potential pluvial flooding and standard construction and decommissioning water protection protocols as mitigation (Section 6 of the HRR).

The FRA notes that two flood events have been recorded in proximity to the site in recent years, both within Ballynacarrigy. There are no records of flooding on the sites. The National Indicative Fluvial Mapping study shows some potential pluvial flooding on the lower border areas of all three parcels – none of this is in areas for which panels are proposed. The FRA applied a standard flood model for the site and nearby drains and streams. It identified areas (Table 4.4) which are not suitable for panels due to potential flood heights. Two culverts are proposed as part of the internal track network – the FRA sets out requirements to ensure no additional flood hazard results.

In Section 5 of the FRA (mitigation), it is confirmed on the basis of modelling that the area proposed for panels is not at risk of inundation from pluvial, groundwater or fluvial flooding. A number of other mitigation measures are set out, including the promotion of long grass conditions under the solar panels with native grasses to provide natural attenuation, in addition to post construction chisel ploughing to loosen soils. A catch drain is proposed on the lower sections the site to retain excess surface water and promote infiltration.

The FRA concludes that with the proposed mitigation measures, the panels and associated infrastructure is not subject to a flooding hazard, and the overall run-off characteristic of the site are not affected, and there will be no impact on the surface water regime. The inverters are to be placed at higher points within the site and so will not be at risk of flooding. The proposed mitigation measures will have a positive impact on the surface water regime within the site due to increased attenuation of surface water flow and infiltration. The SWMP provided additional details on risk assessment post mitigation (Table 4.1 of that document), and concluded these addressed any residual risks to the water environment.

The appellant and observer raised a number of concerns about flooding on the site, particularly the potential impact on run-off downstream. I am satisfied from the

information provided and from my site visit that the proposed mitigation measures will fully address run off (quantitatively and qualitatively) and so will not impact on either the arterial drainage scheme (the OPW stated during the application they were satisfied with the details provided), or the natural watercourses. I am also satisfied that the works will not generate pollution if the CEMP and other proposals are followed and the reduction in stocking levels should have a positive impact on water quality. As such, I am satisfied that the proposed development would not have negative implications for the WFD status of downriver water bodies, or the groundwater bodies.

#### **9.12. Decommissioning/Restoration Plan**

The applicants submitted a basic draft overview of decommissioning and restoration of the site following the proposed 40 year lifespan of the solar farm. It is proposed to restore the lands to agricultural use. It is also anticipated that the impact and required mitigation measures for decommissioning will be similar to the construction works. I consider this reasonable, and I recommend a bond to ensure adequate removal of the solar panels when they have ceased use or after 40 years.

#### **9.13. Other issues**

The planning authority stated that the works are subject to a development contribution to the rate of €1,372.02 per 0.1MW of capacity – I note that the applicant did not confirm the exact capacity of the farm. A security bond was also required. In other respects, conditions set by the planning authority are standard conditions for the carrying out of the works.

I note that following a request by An Taisce, the planning authority set a condition such that all hawthorn seedlings used be certified of being of local provenance, and that hedgerows be of native species only.

I note that while details of the proposed grid connection were set out in the application, this is not part of the permission.

I do not consider that there are any other substantive planning issues raised in this appeal.

#### 9.14. **Appropriate Assessment**

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U (screening) and 177V (appropriate assessment) of the Planning and Development Act 2000 (as amended) are considered fully in this section.

##### **Screening**

###### *Background to the application*

The applicant has submitted a Screening Report and Natura Impact Statement to support the Appropriate Assessment Process carried out Karen Banks MCIEEM – this was submitted in detail with the further information – dated 24<sup>th</sup> June 2024, based on desk studies and an ecological survey carried out on the 23<sup>rd</sup> August 2023, in addition to further surveys for individual species. Including bird surveys carried out over several months. It has been prepared having regard to national and European guidelines in respect of appropriate assessment and additional information was supplied as part of the planning application process with Westmeath County Council. The Screening report refers to the desk and field surveys carried out for the planning application and in particular the mitigation measures set out in the CEMP. This environmental context informs the appropriate assessment screening and subsequent NIS. The Screening Report identifies European sites likely to be in the zone of influence of the proposed development having regard to the nature, scale and form of the development, the source pathway target approach and catchment mapping and the potential for cumulative effects.

On the basis of a consideration of the Zone of Influence ZOI for the potential sources for effect and the potential for sensitive receptors to interact with the ZOI (the pathway consideration zone (PCZ), this identifies the potential for significant effects on the following European sites:

- Garriskil Bog SAC, site code 0000679
- Ardagullion Boy SAC site code 002341
- Ballymore Fen SAC, site code 002313
- Lough Ennell SAC, site code 000685

- Scragh Bog SAC, site code 000692
- Lough Owel SAC, site code 000688
- Wooddown Bog SAC, site code 002205
- Glen Lough SPA site code 003045
- Lough Ennell SPA site code 004044
- Lough Derravaragh SPA site code 004043
- Garriskil Bog SPA site code 004102
- Lough Owel SPA site code 004047
- Lough Iron SPA site code 004046.

The closest designated sites are the Lough Iron SPA and the Lough Owel SPA – these are both within 2 km of the three parcels of land. No other designated habitat is within 5km.

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

#### Screening for Appropriate Assessment – Test of Likely Effects

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

#### Brief Description of the proposed development.

- 40 year operational life for a solar farm on a total site area is c.140 hectares on three parcels of land consisting of solar photovoltaic panels on ground

mounted steel frames with associated hard standing, inverter/transformer stations, underground power and communication cables and ducts.

- Boundary fencing, upgraded internal access tracks, new internal access tracks.
- 2 no. new entrance along with two revised entrances.
- All associated services and development work including drainage, temporary construction compound and landscaping.

Although not part of the application, for the purposes of the application the underground grid connection is considered as part of the NIS.

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

- Temporary water pollution impacts from the construction phase with the potential for adverse effects on water quality dependent with potential for adverse effects on water quality dependent mobile species of conservation interest habitats or downstream European sites.
- The evaluation of operational impact and loss of grassland on SC/QI Species of closest two freshwater SPAs.
- The potential for glint and glare from the panels to interfere with QI species in nearby SPA's.

#### Submissions and observations

The Department of Housing, Local Government & Heritage (DAU) outlined a number of comments to the planning authority on the submitted original submitted screening – this was addressed in the Screening and NIS submitted with the application. The appellant has raised concerns regarding birds known to be present on the site which may be connected to nearby SPA's, and also expressed concerns at the impacts of construction run-off.

### European sites

There are no European sites on or immediately adjoining the site, although the Lough Iron SPA is under 1km north of the closest part of the site. There are a number of SPA's where birds listed within the conservation objectives may be present on the site or may overwinter in the area.

A summary of European sites within a possible zone of influence is presented in the table below:

| EU site and distance                             | Qualifying Interest   | Connection  | Considered further (y/n) |
|--|---|---|--------------------------|
| Garriskil Bog<br>SAC, 0000679<br>6.4 km          | Active raised bogs<br>Degraded raised bogs<br>Depressions on peat substrates. | No surface water connectivity. No groundwater connectivity. | N                        |
| Ardagullion Boy<br>SAC 002341<br>14.9km          | Active raised bogs<br>Degraded raised bogs<br>Depressions on peat substrates. | No ground or surface water connectivity.                    | N                        |
| Ballymore Fen<br>SAC, site code 002313<br>12.5km | Transition mires  | No ground or surface water connectivity.                    | N                        |
| Lough Ennell<br>SAC, 000685<br>5.6 km            | Oligo-mesotrophic waters.<br>Alkaline fens                                    | No ground or surface water connectivity.                    | N                        |
| Scragh Bog SAC,<br>000692<br>5.5 km              | Transition mires and quaking bogs<br>Alkilne fens                             | No ground or surface water connectivity.                    | N                        |

|   |  |  |   |
|---|--|--|---|
|   | Hamatocaulis vernicosus.   |  |   |
| Lough Owel SAC,<br>000688<br>1.8km        | Oligo-mesotrophic waters.<br>Transition fens<br>Alkaline fens<br>White clawed crayfish | No ground or surface water connectivity.   | N |
| Wooddown Bog SAC, 002205<br>9.7km         | Degraded raised bog  | No ground or surface water connectivity.   | N |
| Glen Lough SPA<br>003045<br>7.5km         | Whooper Swan   | No hydrological or groundwater connectivity.   | Y |
| Lough Ennell SPA<br>004044<br>5.7km       | Pochard<br>Tufted duck<br>Coot<br>Wetlands and waterbirds                              | No ground or surface water connectivity.<br><br>Potential impact from polarised light pollution and potential for species to be attracted to solar farms (risk of mortality) | Y |
| Lough Derravaragh SPA<br>004043<br>10.8km | Whooper swan<br>Pochard<br>Tufted duck<br>Coot<br>Wetland sand waterbirds.             | No ground or surface water connectivity.<br><br>Potential impact from polarised light pollution and potential for species to be attracted to solar farms (risk of mortality) | Y |
| Garriskil Bog SPA<br>004102               | Greenland white fronted goose  | No ground or surface water connectivity.   | Y |

|                                      |   |  |   |
|--------------------------------------|---|--|---|
| 6.4km                                |   | Potential impact from polarised light pollution and potential for species to be attracted to solar farms (risk of mortality)   |   |
| Lough Owel SPA<br>004047<br>1.8km    | Shoveler<br>Coot<br>Wetlands and waterbirds.  | No ground or surface water connectivity.<br>Potential impact from polarised light pollution and potential for species to be attracted to solar farms (risk of mortality) | Y |
| Lough Iron SPA<br>004046.<br>0.112km | Whooper swan<br>Wigeon<br>Teal<br>Shoveler<br>Coot<br>Golden Plover<br>Greenland goose<br>Wetlands and waterbirds | No ground or surface water connectivity.<br>Potential impact from polarised light pollution and potential for species to be attracted to solar farms (risk of mortality) | Y |

The Screening Assessment is comprehensive, and I note that the planning authority and DoH LG accepted the conclusions. The proposed development is on a site which is not of EU status and is not in hydrological continuity with any designated habitats within 15km but is in sufficient proximity to the six SPA's within this zone that there may be a mortality hazard to birds due to impacts on invertebrates (glare from polarised light) or direct mortality due to species confusing the panels for waterbodies. Due to the distance from the sites, the agricultural nature of the appeal site, the absence of hydrological connectivity or any other pathway for pollution or other impact, I consider it reasonable to screen out all the SAC's within 15km. The construction works will not directly impact on natural watercourses and there is sufficient attenuation from any designated waterbody that I am satisfied

there would not be adverse impacts from run-off or any other impact on ground or surface waters.

Having regard to the foregoing, I am satisfied that there are elements of the proposed development, which alone and in combination with other development and plans in the area of the site, may give rise to significant effects on the European sites: Glen Lough SPA; Lough Ennell SPA; Lough Derravaragh SPA; Garriskil Bog SPA, Lough Owel SPA and Lough Iron SPA by virtue potential operational impact of polarised light pollution and risk of mortality by attracting birds.

### **Screening Determination**

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

- Glen Lough SPA (003045);
- Lough Ennell SPA (004044);
- Lough Derravaragh SPA (004043);
- Garriskil Bog SPA (004102)
- Lough Owel SPA (004047) and,
- Lough Iron SPA (004046).

in view of these site's Conservation Objectives, and Appropriate Assessment is therefore required.

Other European sites in the wider area of the development site can be excluded on the grounds that the development would not be likely to give rise to significant effects on these due to distance, lack of hydraulic connectivity, including the location of the development site outside of the maximum range of for mobile species and the history of agricultural operations on the site.

## **The Natura Impact Statement**

The applicant provides a NIS for the proposed Kildallan Solar Farm, revised by way of a further information request. The NIS is in Section 4 of the submitted AA document and includes the CEMP (Appendix 2 of that document), which includes mitigations submitted as part of the proposal. The NIS refers to the individual qualifying interests of the following:

- Glen Lough SPA (003045)
- Lough Ennell SPA (004044)
- Lough Derravaragh SPA (004043)
- Garriskil Bog SPA (004102)
- Lough Owel SPA (004047) and,
- Lough Iron SPA (004046).

and considers the potential for effects, by way of indirect impact on invertebrates and in mortality of birds from collision.

The NIS provides an assessment of potential effects having regard to:

- a) The characteristics of the potential effects in view of the conservation objectives and overall integrity of the of the European site,
- b) the potential effects to the integrity of the site,
- b) proposed mitigation measures,
- e) monitoring to prevent mitigation failure.

The NIS concludes that, in view of best scientific knowledge and on the basis of objective information, the proposed project will not adversely affect the Qualifying Interests associated with the screened in European Sites. The conclusion is drawn on the basis that potential pathways for effect have been robustly blocked through measures to avoid impacts and the incorporation of best practice/mitigation measures into the project design with post mitigation monitoring to ensure there is no failure. It is concluded that the Kildallan Solar Farm is not foreseen to give rise to

any significant adverse effects on designated European sites, alone or in combination with other plans or projects.

Having reviewed the documents, submissions, and consultations, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the Glen Lough SPA; Lough Ennell SPA; Lough Derravaragh SPA; Garriskil Bog SPA, Lough Owel SPA and Lough Iron SPA; alone, or in combination with other plans and projects.

#### *Appropriate Assessment of Implications of the Proposed Development*

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed. The assessment has regard to government and EU guidelines on appropriate assessment (DoEHLG, 2009, AA of Plans and Projects in Ireland; EC, 2002, Assessment of Plans and Projects Significantly Affecting Natura 2000 sites; EC, 2018, Managing Natura 2000 sites).

#### **European Sites.**

A description of the Glen Lough SPA; Lough Ennell SPA; Lough Derravaragh SPA; Garriskil Bog SPA, Lough Owel SPA and Lough Iron SPA and their conservation objectives and qualifying interests are set out in the NIS and summarised in the table below as part of my assessment. I have also examined the attributes and targets for each QI, the Natura 2000 data forms and supporting documents as relevant available on the NPWS website (attributes and targets for each QI are set out in full in the NIS). I have had regard to the comments of the DAU in the original Screening and to the assessment of the planning authority.

I am satisfied that the information required to fully assess the site is available and has been submitted by the applicant.

## Appropriate Assessment Summary Matrix

| Qualifying interest  | Potential adverse effect  | Mitigation measure                                   | In-combination effect | Can adverse effects be excluded? y/n |
|--|---|--|-----------------------|--------------------------------------|
| Glen Lough SPA (003045)  |   |  |                       |                                      |
| Whooper swan   | Reduction of invertebrates through polarised light and mortality from collisions. | Provision for anti reflective coating on the panels. | None identified       | y                                    |
| Lough Ennell SPA (004044)  |   |  |                       |                                      |
| Pochard<br>Tufted duck<br>Coot<br>Wetlands and waterbirds                  | Reduction of invertebrates through  | Provision for anti reflective coating on the panels. | None identified       | Y                                    |
| Lough Derravaragh SPA (004043)   |   |  |                       |                                      |
| Whooper swan<br>Pochard<br>Tufted duck<br>Coot<br>Wetland sand waterbirds. | Reduction of invertebrates through  | Provision for anti reflective coating on the panels. | None identified       | Y                                    |
| Garriskil Bog SPA (004102)   |   |  |                       |                                      |
| Greenland white fronted goose  | Reduction of invertebrates through  | Provision for anti reflective coating on the panels. | None identified       | Y                                    |
| Lough Owel SPA (004047)  |   |  |                       |                                      |

|   |  |   |                    |   |
|---|--|---|--------------------|---|
| Shoveler<br>Coot<br>Wetlands and<br>waterbirds.   | Reduction of<br>invertebrates<br>through |   | None<br>identified | Y |
| Lough Iron SPA (004046)   |  |   |                    |   |
| Whooper swan<br>Wigeon<br>Teal<br>Shoveler<br>Coot<br>Golden Plover<br>Greenland White<br>fronted goose<br>Wetlands and<br>waterbirds | Reduction of<br>invertebrates<br>through | Provision for<br>anti reflective<br>coating on the<br>panels. | None<br>identified | Y |

## Discussion

The NIS sets out tables and analyses for the six European sites identified for which adverse effects could not be ruled out for the identified QI for those sites. The NIS summarises the key issue for these European sites – that no direct effects are anticipated from construction due to the absence of hydraulic continuity with any of the six sites, but there is a potential impact from polarised light reducing invertebrates and in mortality from bird collision. Both the identified issues are addressed by the same means – the application of an anti-reflective coating on the panels. This is intended to reduce polarised light which has the theoretical potential to impact on invertebrates, and reduces the potential for birds confusing the panels for waterbodies, and hence mortality by way of condition.

The QI of the European sites include a number of waterbirds, some of which were identified close to or on the site during the ornithological surveys attached to the submission documents. These surveys, attached in the NIS document, provide a comprehensive series of surveys which conclude that the site is not on known migration routes for QI birds and while the lands – in particular the wetter grasslands – are a valuable resource for a range of waterbirds, including potentially QI birds,

the key areas of wet grassland/marsh are not to be covered with panels, and the anti-reflective coating will prevent the possibility of collisions. While I acknowledge the concerns of the appellant and observers on this issue – and there is no question but that the site has significant value for a range of birds, I am satisfied that the proposals, which are in line with best scientific advice, will ensure the specific QI species listed will not be adversely affected.

The NIS has included a comprehensive assessment of other solar farms and related infrastructure in the area. There are no proposals nearby which could contribute significantly to cumulative or in-combination effects.

I am therefore satisfied that sufficient information has been submitted by the applicant with regard to adverse effects on the European sites in the area and that measures that are embodied within the proposed development and standard good practice construction measures are sufficient to address the potential for light pollution from the panels or mortality from collision.

### **Integrity Test**

Following the appropriate assessment and the consideration of mitigation measures, including:

- Measures that are embedded by virtue of the design of the development,
- The detailed arrangements for the management of surface water during all phases of the development, to minimise the potential for water pollution or significant effects on surface water flows as set out in the application documents,
- The standard good practice nature of the proposed mitigation measures and the efficacy of these to prevent water pollution and for managing flows.
- The application of protective coatings to all panels to reduce unnecessary polarised or reflected light.
- The absence of potential for cumulative effects with other policies, plans or projects in the area of the site,

I am able to ascertain with confidence that the project would not adversely affect the integrity of in view of the Conservation Objectives of Glen Lough SPA; Lough Ennell SPA; Lough Derravaragh SPA; Garriskil Bog SPA, Lough Owel SPA and Lough Iron SPA. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

### **Appropriate Assessment Conclusion**

The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the following European sites, Glen Lough SPA; Lough Ennell SPA; Lough Derravaragh SPA; Garriskil Bog SPA, Lough Owel SPA and Lough Iron SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites, in light of their conservation objectives.

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 European sites, listed above, or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

## **10.0 Recommendation**

I recommend that subject to the conditions set out in section 12 below, the proposed development should be granted permission for the following reasons and considerations.

## 11.0 Reasons and Considerations

- a) The European, national, regional and county level supports for renewable energy development,
- b) The provisions of the Westmeath County Development Plan 2021-2027
- c) The Climate Action Plan 2024
- d) The Project Ireland 2040 National Planning Framework;
- e) The Regional Spatial and Economic Strategy for the Eastern Region
- f) The Planning System and Flood Risk Management Guidelines 2009;
- g) The nature, scale, and extent of the proposed development;
- h) The documentation submitted with the planning application, including the Natura Impact Statement, Planning Statement, Construction and Environment Management Plan and associated reports contained within;
- i) The nature of the landscape and its capacity to visually accommodate the proposed development without significant adverse effects,
- j) The location of the proposed development within an ecologically and visually robust landscape
- k) The cultivated nature of the lands,
- l) The mitigation measures proposed for the construction, operation and decommissioning of the site;
- m) The submissions and observations on file, including those from prescribed bodies, the planning authority, the third party and observers;
- n) The separation distances between the proposed development and dwellings or other sensitive receptors,
- o) The hydraulic characteristics of the site and the robust nature of the proposed development, and,
- p) The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the absence of likely significant effects of the proposed development on European sites,

It is considered that, subject to compliance with the conditions set out below, the proposed development would support national and regional renewable energy policy objectives, would be consistent with the provisions of the Westmeath County Development Plan 2021-2027, would not seriously injure the visual or residential amenities of the area or otherwise depreciate the value of property in the vicinity, would not constitute a traffic hazard or cause congestion, would not have an unacceptable impact on the character of the landscape or on cultural heritage, and would make a positive contribution to Ireland's renewable energy requirements.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development, and the development shall be carried out and completed in accordance with the agreed particulars. For the avoidance of doubt, this includes all plans and particulars submitted with the further information on the 5<sup>th</sup> day of July 2024.

**Reason: In the interest of clarity.**

2. The mitigation measures identified in the Natura Impact Statement, which was submitted with the application, shall be implemented in full. The Construction and Environmental Management Plan shall be updated to fully incorporate all mitigation measures set out in the Natura Impact Statement.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area, and to ensure the protection of the European sites.

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

**Reason:** In the interest of clarity.

4. The permission shall be for a period of 40 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period. On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

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.

5. All trees and plants provided as landscaping and mitigation shall be native species and where practical all seeds and plants shall be sourced locally.

**Reason:** To protect the natural biodiversity of the area.

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. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, to include a Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including:
  - Details of the site and material compounds, including areas identified for the storage of construction refuse;
  - Details of areas for construction site offices and staff facilities;
  - Details of site security fencing and hoardings;
  - Details of on-site car parking facilities for site workers during the course of construction;
  - Details of the 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;
  - Measures to obviate queuing of construction traffic on the adjoining road network;
  - Measure to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
  - Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels'
- The 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;

Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

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

8. All road surfaces, culverts, watercourses, verges, underground services and public lands shall be protected during construction, and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In order to ensure a satisfactory standard of development.

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

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

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

10. Prior to the commencement of development, the developer shall lodge with Meath County Council 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.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities facilitating development the area of the planning authority that is provided or intended to be provided by or on behalf of an 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.

---

Philip Davis  
Senior Planning Inspector

24<sup>th</sup> February 2025

## APPENDIX 1

### Form 1

#### EIA Pre-Screening

|  |                                     |  |                |
|--|-------------------------------------|--|----------------|
| <b>An Bord Pleanála</b>  | ABP-320999-24                       |  |                |
| <b>Case Reference</b>  |                                     |  |                |
| <b>Proposed Development</b>  | 10 Year permission for a solar farm |  |                |
| <b>Summary</b>   |                                     |  |                |
| <b>Development Address</b>   | Toor Commons, Co. Westmeath         |  |                |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><br>(that is involving construction works, demolition, or interventions in the natural surroundings) |                                     | <b>Yes</b>   | √              |
|  |                                     | <b>No</b>  |                |
| <b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>  |                                     |  |                |
| <b>Yes</b>   |                                     | Solar farms are a project for the purpose of the Environmental Impact Assessment Directive, but solar farms <u>do not fall within a class</u> of development set out in Part 1 or Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended and therefore no preliminary examination, screening for environmental Impact assessment or environmental impact assessment is required of the solar farm.<br><br>Notwithstanding the above, there are two classes of development within Part 2 of Schedule 5 to the Planning and Development Regulations 2001, as amended which may be relevant to the current | Proceed to Q3. |
| <b>No</b>  | √                                   |  |                |

|  |  |  |  |
|--|--|--|--|
|  |  | <p>proposal, and which should therefore be considered, these are as follows:</p> <p><u>Restructuring of Rural Land Holdings</u></p> <p>Rural restructuring is listed as development for the purposes of Part 10 under the heading of <i>Agriculture, Silviculture and Aquaculture</i>, Class 1 of Part 2 of the Fifth Schedule, with the following stated under subsection (a) <i>‘Projects for the restructuring of rural land holdings, undertaken as part of a wider development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.’</i></p> <p>The proposed solar farm involves minimal hedgerow removal, save for small sections where gaps are required for access. It does not result in the amalgamation or enlargement of any existing fields on the lands. This proposed removal of hedgerow is significantly below the EIA threshold of 4km as outlined under Planning and Development Regulations 2001 (as amended). The development would, therefore, constitute sub-threshold development for rural restructuring (Class 1(a), Part 2 of Schedule 5). I refer to Appendix 1 of this report and completed Form 3 Screening Assessment which contains the final EIA Screening Determination on file.</p> <p><u>Private Roads</u></p> |  |
|--|--|--|--|

|  |  |   |  |
|--|--|---|--|
|  |  | In addition to the examination of thresholds in relation to rural restructuring, given the proposal for new access tracks on site, I have also examined the proposed project as it may relate to Class 10: <i>Infrastructure projects (dd) “all private roads which would exceed 2000 metres in length”</i> . The applicant proposes to use existing site access tracks and none of these constate ‘roads’ under the definitions under the Roads Acts hence no private roads are proposed as part of the development, therefore this class has been screened out at preliminary stage from further consideration. |  |
|--|--|---|--|

**3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?**

|     |   |           |               |
|-----|---|-----------|---------------|
| Yes |   |           |               |
| No  | √ | See above | Proceed to Q4 |

**4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?**

|     |  |   |                                  |
|-----|--|---|----------------------------------|
| Yes |  | There is no substantial restructuring of the farm holding (length of hedgerow removal is minimal).<br>None of the access roads constitute ‘private roads’ | Preliminary examination required |
|-----|--|---|----------------------------------|

**5. Has Schedule 7A information been submitted?**

|            |   |  |
|------------|---|--|
| <b>No</b>  |   | <b>Screening determination remains as above<br/>(Q1 to Q4)</b> |
| <b>Yes</b> | √ | <b>Screening Determination required</b>                        |

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 1 – Form 3 – Screening Determination

### A. CASE DETAILS

|  |  |   |  |
|--|--|---|--|
| <b>An Bord Pleanála Case Reference</b>   | <b>320999-24</b>   |   |  |
| <b>Development Summary</b>   | A 10 year planning permission for the construction and operation of a solar PV farm of c.140 hectares and all ancillary works. A Natura Impact Statement accompanies the planning application.   |   |  |
| <b>Sub-threshold - development class referred to under Schedule 5 of Planning and Development Regulations 2001 (as amended):</b>   | Class 1 of Part 2 of Schedule 5,<br>(a) <i>Projects for the restructuring of rural land holdings, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.</i> |   |  |
|  | Yes / No / N/A   | Comment (if relevant)   |  |
| <b>1.</b> Was a Screening Determination carried out by the PA?   | Yes  | EIA Screening Determination included in Planner's report  |  |
| <b>2.</b> Has Schedule 7A information been submitted?  | Yes  | Document titled Environmental Impact Assessment Screening   |  |
| <b>3.</b> Has an AA screening report or NIS been submitted?  | Yes  | Screening for Appropriate Assessment and a Natura Impact Statement were submitted with the application.   |  |
| <b>5.</b> 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 | Yes  | SEA and AA were undertaken in respect of the Westmeath County Development Plan 2021-2027. The site is located within lands governed by this plan. |  |
| <b>B. EXAMINATION</b>  |  | <b>Where relevant, briefly describe the characteristics of impacts ( ie the nature and extent) and any Mitigation Measures</b>                    | <b>Is this likely to result in significant</b> |

|  | proposed to avoid or prevent a significant effect<br>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)  | effects on the environment?<br>Yes/ No/<br>Uncertain |
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| <b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)                                      |   |  |
| <b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?  | <p>Yes, the proposed development is for a solar farm development which of itself is not a class for the purposes of the EIA Directive, but which is considered in the context of any resulting potential cumulative effects, including visual/landscape, water, drainage, traffic and biodiversity, cultural heritage etc which are addressed separately in the Planning Assessment of my report. This concludes that no significant cumulative effects would arise in respect of the proposed development and the wider solar farm development.</p> <p>It is envisaged that the proposal will result in minimal loss of hedgerow except for where widening of existing site entrances are required. The volume of hedgerow to be removed is significantly below the 4km threshold and considered insignificant given the remaining linear features present in the surrounding environment.</p> | <b>No</b>  |
| <b>1.2</b> Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)? | <p>Where existing hedgerow is required to be removed infill landscaping, e.g. hedgerows, will be planted where possible. Degraded existing hedgerows are to be reinstated/strengthened.</p> <p>In areas where vegetation is scarce or gaps occur, additional native screening planting in the form of native species characteristic of the local area will be instated.</p>   | <b>No</b>  |

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| 1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply? | Standard construction methods and materials. No significant use of natural resources in operational phase. The loss of natural resources is not considered to be significant in nature.   | No |
| 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?  | Construction works will require the use of potentially harmful materials, such as fuels and other such substances to power necessary machinery. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the submitted Construction and Environmental Management Plan and Outline Construction Methodology would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated. | No |
| 1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?   | The works will require the use of potentially harmful materials, such as fuels and other similar substances for necessary machinery and may give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during these activities are likely. Such impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction and Environmental Management Plan, the project would satisfactorily mitigate the potential impacts.      | No |
| 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?                  | There are drains on site, and they discharge to watercourses (natural and drains) which eventually drain to the Shannon, part of which is EU designated. The distance of the subject site from this designated site and the proposed mitigation measures, particularly those relating to water quality as outlined in the submitted associated NIS, significant effects on the environment are not likely. No discharge of pollutants to ground water is likely.  | No |

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| <p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>     | <p>There is potential for construction works and operational elements to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Construction Environmental Management Plan.</p> <p>The submitted Noise Assessment also contains proposed mitigation measures including best practice noise reduction methods. No operational impacts in this regard are anticipated.</p> | <p><b>No</b></p> |
| <p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>              | <p>The Construction Environmental Management Plan would satisfactorily address potential risks on human health from the initial construction of the solar farm and the decommissioning phase. No significant operational impacts are anticipated.</p>  | <p><b>No</b></p> |
| <p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>                   | <p>No significant risk is predicted having regard to the nature and scale of the development.</p>  | <p><b>No</b></p> |
| <p><b>1.10</b> Will the project affect the social environment (population, employment)</p>                                       | <p>Minor short term traffic disruption is anticipated to some local roads, such disturbance will be short in duration and localised and managed through a Traffic Management Plan therefore no significant social environmental impacts anticipated. Operational impacts will be minor and roughly equivalent to normal agricultural activities.</p>   | <p><b>No</b></p> |
| <p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p> | <p>Yes, the proposed development is part of a wider solar farm development which of itself is not a class for the purposes of the EIA Directive, but which is considered in the context of any resulting potential cumulative effects, including visual/landscape, water, cultural heritage, biodiversity etc. which are addressed separately in the Planning Assessment of my report. In this regard I note the proposed mitigation provided within the submitted EcIA, the CEMP, the Glint and Glare Assessment, The</p> | <p><b>No</b></p> |

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|  | Landscape Management and Maintenance Plan etc. Following implementation of these measures no potential for significant effect exists at any geographic scale This concludes that no significant cumulative effects would arise in respect of the proposed development and the wider solar farm development.  |           |
| <b>2. Location of proposed development</b>   |  |           |
| <b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> <li>a. European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>b. NHA/ pNHA</li> <li>c. Designated Nature Reserve</li> <li>d. Designated refuge for flora or fauna</li> <li>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</li> </ul> | <p>The Lough Iron pNHA and SPA and the Lough Owel SAC are within 10km of the site, but are not in hydraulic continuity. Some birds listed in the QI of the SPA may occasionally roost/feed on the existing farmland, but it is not an important part of their overall habitat. The watercourses eventually drain to the River Shannon SAC and SPA's, but there is very significant attenuation due to the distance. These pathways are examined in detail under my report above and it has been concluded that following the implementation of those mitigation measures listed within the submitted NIS, no adverse impacts on the site integrity of the SAC, SPA or pNHA will occur. Therefore, no potential impacts are likely.</p> <p>The treeline and hedgerow habitats proposed for removal are used by commuting and foraging bats as they provide connectivity with the wider landscape. In addition nesting birds are also noted to use these hedgerows. The EclA assesses the impact of the proposal on bats and bird species and concludes that provided mitigation is implemented which includes replacement hedgerow planting, as well as restrictions on the time of year in which hedgerow removal can occur, no significant effects are likely to arise.</p> | <b>No</b> |

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| <p><b>2.2</b> 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>The existing hedgerow and grassland, especially some of the wet marshy areas provides habitat for bird species and possibly linear foraging features for bats. Minor works are also proposed in relation to levelling on site. While it is noted that there will be some temporary impacts on these species, provided the mitigation measures outlined in the submitted EclA are implemented it is not expected that the removal of hedgerow would result in significant impacts to protected, important or sensitive species.</p>  | <p><b>No</b></p> |
| <p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>   | <p>The lands contains a recorded ancient monument of which no visible remains are noted. Details set out in the Assessment Section of the attached report. Potential archaeological features were identified by way of a geophysical survey within the landowner's property folios which are not visible above ground level. Only localized site leveling is anticipated and earthworks will be limited to areas of soft ground underground cable trenches, groundworks for inverter stations and grid works. The potential for impacts to arise during activities exists, these potential impacts include damage to the recorded monuments from excavation works or tracking from machinery. Archaeological monitoring of ground works associated with the construction of the buffer zone fence is also to be undertaken.. Provided these mitigation measures are implemented no significant impacts are expected.</p> | <p><b>No</b></p> |
| <p><b>2.4</b> 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?</p>                        | <p>Given the minor nature of the works proposed there will be no foreseeable impact on any areas of high quality or scarce resources which could be affected by the project.</p>   | <p><b>No</b></p> |
| <p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters</p>   | <p>The site is relatively level, &amp; the lands where the solar panels are to be erected are moderately well drained in nature. Good site management &amp;</p>  | <p><b>No</b></p> |

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| which could be affected by the project, particularly in terms of their volume and flood risk?  | avoidance of field work during wet periods of the construction stage should minimise impacts on surface water quality. The applicant states that a 15m buffer zone will be observed along the Rathnacally Stream with no construction works within this zone.<br>Having considered the locations of the proposed works, the limited nature of the works and the distance between the proposed hedgerow removal or levelling works locations and any field drains in the vicinity it is unlikely any surface run off would affect watercourses downstream in terms of their volume or flood risk. |           |
| <b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?   | No   | <b>No</b> |
| <b>2.7</b> 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? | The site is served by the local road network and the R393. Some traffic disruption is likely on the local roads during the initial works on the site entrances - this is expected to be temporary in nature and no significant contribution to traffic congestion is anticipated to arise from the proposed development.   | <b>No</b> |
| <b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?   | The surrounding area is comprised of agricultural land uses, playing fields, farmsteads, dwellinghouses and some commercial enterprises at the edge of Ballynacarrigy. Having considered the minor nature of the works no significant impacts on these uses are anticipated as a result of the proposal.   | <b>No</b> |
| <b>3. Any other factors that should be considered which could lead to environmental impacts</b>  |  |           |
| <b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?  | There are no other permitted or proposed developments in the vicinity that could result in significant cumulative effects. A connection to the grid via underground cabling along the public road network will be required – this is not part of the application, but it is not considered that this would add significant cumulative impacts.   | <b>No</b> |

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| <b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?   | No     | No                |
| <b>3.3</b> Are there any other relevant considerations?   | No     | No                |
| <b>C. CONCLUSION</b>  |        |                   |
| No real likelihood of significant effects on the environment.   | Agreed | EIAR Not Required |
| Real likelihood of significant effects on the environment.  |        | EIAR Required     |
| <b>D. MAIN REASONS AND CONSIDERATIONS</b>   |        |                   |
| <p>Having regard to –</p> <ul style="list-style-type: none"> <li>(a) the nature and scale of the proposed development, which is below the thresholds in respect of Class 1(a) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;</li> <li>(b) The consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of the solar farm which is not, of itself, a class for the purposes of the EIA Directive;</li> <li>(c) the nature of the existing site and the existing and permitted pattern of development in the surrounding area;</li> <li>(d) 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;</li> <li>(e) 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);</li> <li>(f) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;</li> <li>(g) the features and measures proposed by the developer that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project in the submitted Construction Environmental Management Plan, Landscape and Visual Impact assessment and Glint and Glare Report, Archaeology, Architecture and Cultural Heritage Report, Noise Assessment, Ecological Impact Assessment and Flood Risk Assessment Report.</li> </ul> <p>It is considered that restructuring of rural land holdings element of the proposed development would not be likely to have significant direct, indirect or cumulative effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.</p> |        |                   |