



An
Bord
Pleanála

Inspector's Report ABP-321002-24

Development	10 year permission for the construction of a solar PV energy development and ancillary infrastructure. A Natura Impact Statement accompanies this application. Significant further information/revised plans submitted on this application.
Location	Killary, Lobinstown, Navan & Rathkenny, Navan, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	231082
Applicant(s)	Highfield Solar Limited
Type of Application	Permission
Planning Authority Decision	Granted
Type of Appeal	Third Party
Appellant(s)	James Meade. Rathkenny Community against solar development.
Date of Site Inspection	17 December 2024
Inspector	Hugh O'Neill

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	7
5.0 Policy Context.....	8
6.0 The Appeal	15
7.0 Assessment.....	18
8.0 Appropriate Assessment.....	34
9.0 Recommendation.....	35
10.0 Reasons and Considerations.....	35
11.0 Conditions	36

Appendix 1

Environmental Impact Assessment	Pre-Screening (Form 1)
Environmental Impact Assessment	Screening Determination (Form 3)

Appendix 2

Appropriate Assessment	Screening Determination
Appropriate Assessment	Stage 2 Determination

1.0 Site Location and Description

1.1. The site extends to c. 130 Ha located in rural north county Meath approximately 15km northeast of Kells, 10km northwest of Slane, 12km southwest of Ardee. The site is in the townlands of Killary and Rathkenny and shares boundaries with 2 further townlands, Parsonstown Demense, and Knock.

1.2. The site is for the most part improved agricultural grassland divided into parcels by hedgerows and treelines of predominantly native species often associated with/incorporating drainage ditches.

1.3. The site is characterised generally by flat landscape with a rise to the northern part of the site with elevations ranging from 70m to 90m AOD.

1.4. Circa 1 Km of the Killary water (EPA ref: KILLARY WATER_010 OPW ref:C2 (28)) passes through the site, and forms circa 2.5km of the application boundary. In addition to the Killary water there are approximately 7km of further drainage ditches within the application boundary. There was evidence on site of various interventions to the drainage network over time including field drainage, ditch blocking/diversion and the importation of material.

1.5. The site is comprised of 2 distinct parcels, connected by a circa 10m x25m tract of land. A 110Kv power line crosses the western, smaller parcel. An area of approximately 2 Ha accommodating a farmyard and house is excluded from the centre of the larger eastern portion.

1.6. A portion of the site is subject to an identified flood risk, a significant part of which coincides with former wetland areas classified as benefitting lands, drained as part of the Glyde and Dee arterial drainage scheme. My site visit followed an extended period of below average rainfall.

2.0 Proposed Development

2.1. The proposal is described as a 10 year permission for the development and 35 years operation with expected annual energy generation in the range of 45 – 65 GWh. The development consists of the following:

- A single storey electrical substation building and associated compound
- Electrical transformer/inverter station modules (max 9.2m x 3.2m 3.45m high)
- Battery storage modules (no further detail is provided in plans and particulars)
- Solar PV panels ground mounted in rows on steel support structures at up to 30 degrees from approx. 0.7 to 3.2m above ground level
- Storage containers
- CCTV cameras
- Access from the public road
- Circa 6 km of generally 4m wide access tracks (final location subject to survey) within the site including crossing of drains and water courses.
- Fencing
- Electrical cables
- Ducting
- Construction compound
- Water interceptor trenches upgradient of watercourses
- Ancillary infrastructure

A location and indicative layout of a 110kV sub station has been submitted with the application for the solar farm which the application states shall be subject to a future Strategic Infrastructure Development Application.

3.0 Planning Authority Decision

3.1. Further Information

Following amendment in response to a further information request, permission was granted by Meath County Council. Amendments at further information stage which were subject to revised public notices included:

- A new entrance and access track necessitating a new river crossing. No drawings or details have been provided in support of the entrance or crossing.

- An increased set back from the northern most boundary on the elevated lands to address landscape impact concerns.
- Provision of soakaway/surface water interceptors at key locations.

3.2. **Decision**

Meath County Council granted permission subject to 14 conditions which include the following conditions of note:

- Condition 2 power output to be agreed
- Condition 6 exclusion of the most elevated area, field 1 (most northerly) for reasons of mitigating visual impact
- Condition 18 new SFRA/justification and all S50 consents from OPW to be submitted prior to commencement.
- Condition 19 PA and Department of Housing Local Government and Housing to agree outcomes of archaeological site testing prior to commencement.

Other conditions of note:

- Condition 9 (c) requiring screening of the development from all public roads. This may be unworkable.
- Condition 14 requires removal of all structures not later than 35 years from commencement. Condition 5 grants permission for operation for 40 years.

The permission deferred all consideration and consenting crossings of water bodies to the OPW.

3.3. **Planning Authority Reports**

The **Transportation Department** in Meath County Council, reported no objection subject to 4 conditions, relating to sightlines, entrance details, review of glint and glare, and landscaping works to screen the proposal from local roads prior to commencement.

The **Environment Flooding -Surface Water section** requested a site Specific Flood Risk Assessment and a redesign where necessary to

- exclude the development including the racks of panels from flood zones A and B,
- the retention of 10m buffers,
- access tracks in zones A and B not to be raised above existing ground levels, fencing, gate and works to culverts/crossings to be set out.

The report also sought interception drainage, and for the developer to undertake remedial works to drainage as directed and to comply with named standards.

3.4. **Prescribed Bodies**

The **Department of Housing, Local Government and Heritage** stated that Further information was required including the results of an archaeological geophysical survey in order for the Planning Authority and the Department to formulate an informed archaeological recommendation. The Department noted that there may be a requirement to adjust the site layout and construction details for the solar farm on foot of the testing.

Following receipt of the Further Information response which declined the opportunity to undertake the survey requested, the Department reported that due to the absence of a response by the developer that they cannot reasonably make an informed planning recommendation.

Inland Fisheries Ireland, highlighted that that the subject site and the watercourses thereon form part of a sub catchment of the River Dee, which is valuable from a fisheries perspective as it contains salmonid spawning and nursery habitat and supports stocks of important indicator species such as Atlantic salmon, brown trout and lamprey (annex II of Habitats Directive) among other species. The IFI submission also points out that The WFD Ecological status of the waterbody at this location, Killary_010, is Moderate and At Risk of not achieving Good status. The submission concludes with directing the applicant to IFI guidance for any works with potential to affect watercourses. Following receipt of the Further Information response the IFI reported satisfaction with the applicant's response.

Health Service Executive environmental health report set out a number of points in which it requested further information including community involvement, landscape impact, groundwater, traffic plan, noise and complaints procedures.

I note here for clarity that the subject application was not referred to the OPW for consideration and report.

3.5. Third Party Observations

Submissions were received by the planning authority raising points that did not proceed to the appeal. These points are set out here, issues raised in third party submissions which progressed to grounds of Appeal are set out in section 6 of this report.

- Application is premature pending, policy, guidelines and SEA for utility scale solar.
- Assessment of cumulative impacts should include developments in surrounding counties.
- Concerns of compatibility with the European Landscape convention.
- Scope of project too vague to determine the nature and benefits of the project
- Displacement of agriculture on quality agricultural land
- Landscape impact unacceptable. Policy deficiency as no consideration of solar in MCC Landscape policies
- Questions of dominant land use post operation

4.0 Planning History

4.1. Subject site:

PA0038 Wind Farm Consisting of up to 46 No. Turbines, a 110kV Electricity Substation and associated works, partial overlap with subject site. **Refused** permission February 2016 contrary to the recommendation of the inspector for reasons of impacts on landscape and residential amenity.

4.2. Relevant in the vicinity:

221044 Meath Co Co **granted** permission for a 97.05 hectares solar farm application accompanied by a Natura Impact Statement (NIS). This site is accessed to the opposite side of the road from which the subject site is proposed to be accessed.

(The boundary of this application does not appear on the online mapping published by the planning authority, it is accessible within the scanned application details.)

ABP-319662-24 SID development 110kV Substation and Loop-in connection associated with an approved Solar PV Development approximately 550m to the north east of the subject site. **Approved** with conditions 14/11/2024

5.0 Policy Context

5.1. National Planning and Energy policy

Project Ireland 2040: The National Planning Framework (NPF), published in February 2018 identifies the role of renewable energy sources in our transition to a low carbon energy future throughout the document. Specifically, National Policy Objective 55 states a goal to;

“Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050”

The National Development Plan, 2021-2030 (NDP) sets out the Government’s investment strategy and budget up to 2030. The NDP commits to increasing the share of renewable energy up to 80% by 2030 and acknowledges that this will require world-leading levels of wind and solar electricity penetration onto the national grid.

Eastern & Midland Regional Economic and Spatial Strategy, 2019-2031 seeks to enhance climate resilience and to accelerate a transition to a low carbon society. RPO 10.20: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.

Policy Statement on Security of Electricity Supply, November 2021 recognises inter alia that ensuring security of electricity supply continues to be a national priority as the electricity system decarbonises towards net zero emissions and that there is a need for very significant investment in additional flexible conventional electricity generation, electricity grid infrastructure, interconnection, and storage in order to ensure security of electricity supply.

Energy Security in Ireland to 2030: Energy Security Package, November, 2023, sets out that Ireland's future energy will be secured by moving from an oil- and gas-based energy system to an electricity-led system, maximising our renewable energy potential, flexibility and being integrated into Europe's energy systems.

EU renewable Energy Directive 2009/28/EC Promotes and sets out legally binding targets for renewable energy.

European 2020 Strategy for Growth, Sets out targets for renewables and greenhouse gas emissions.

EU 2030 Climate and Energy Framework A longer-term framework than the above for cuts in greenhouse emissions and renewable energy.

EU Energy Roadmap 2050 Sets out differing options for achieving above mentioned goals.

REPowerEU Plan May 2022 made it an objective to phase out Europe's dependency on Russian energy imports as a matter of urgency providing for the front-loading of wind and solar energy, increasing the average deployment rate of such energy as well as for additional renewable energy capacity by 2030 to accommodate the higher production of renewable fuels of non-biological origin.

Climate and Low Carbon Development Act 2015 as amended (the Climate Act) Places on a statutory basis a 'national climate objective', which commits to pursue and achieve no later than 2050, the transition to a climate resilient, biodiversity-rich, environmentally-sustainable and climate-neutral economy. The Act obliges Public Bodies to perform their functions in a manner consistent with national climate action plans, strategies adaptation frameworks and mitigation measures, and furthering the achievement of the national climate objective.

Climate Action Plan, 2024 – The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022. Measures and actions include the increase in renewable generation including solar to 80% of demand by 2030.

The Climate Action Plan 2024 highlights the link between climate change and biodiversity loss and underscores the need to safeguard biodiversity and ecosystems as a fundamental part of climate resilient development. The plan also includes measures relevant to the regulation of lands use and land use change in development proposals including climate benefits of reduced management intensity of grasslands on drained soils.

5.2. Meath County Development Plan 2021 - 2027

The current Meath County Development Plan (2021-2027) was adopted on 22nd of September 2021 and came into effect on 3rd of November 2021 and was subsequently varied. Consolidated version including Variations 1 & 2 was adopted on the 13th May 2024, this is the version presented on the Meath.ie website at the time of writing and was the version utilised for the purpose of this report.

5.3. Chapter 6 Infrastructure Strategy

A major function performed by floodplains, wetlands and coastal areas is to hold excess water until it can be released slowly back into a riverine system or the sea, or seep into the ground as a storm or tidal surge subsides. Vulnerable floodplains, wetlands and coastal areas should, therefore, be identified and preserved to the maximum extent possible, in both urban and rural areas, as “Green Infrastructure”.

INF POL 19 To implement the findings and recommendations of the Strategic Flood Risk Assessment prepared in conjunction with the County Development Plan review, ensuring climate change is taken into account.

INF POL 21,22, 27, and 28 set out policies to protect drainage and consult with OPW in the event of works in drainage schemes such as crossings or works in floodplains.

INF OBJ 23 To protect and enhance the County's floodplains, wetlands and coastal areas subject to flooding as "green infrastructure" which provide space for storage and conveyance of floodwater, and ensure that development does not impact on important wetland sites within river/stream catchments.

INF OBJ 28 To ensure that proposals for the development of solar farms located within areas identified as being within Flood zones A or B are subject to a Site-Specific Flood Risk Assessment as per the Planning System and Flood Risk Management Guidelines 2009 for Planning Authorities (or any updated guidelines).

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

INF POL 35 To seek a reduce greenhouse gas emissions through energy efficiency and the development of renewable energy sources utilising the natural resources of the County in an environmentally acceptable manner consistent with best practice and planning principles.

INF OBJ 14 To require the use of SuDS within Local Authority Developments and other infrastructural projects in accordance with the Greater Dublin Regional Code of Practice for Drainage Works.

INF OBJ 23 To protect and enhance the County's floodplains, wetlands and coastal areas subject to flooding as "green infrastructure" which provide space for storage and conveyance of floodwater, and ensure that development does not impact on important wetland sites within river/stream catchments.

INF OBJ 38 To establish riparian corridors free from new development along all significant watercourses and streams in the County as follows: -A 10 metre wide riparian buffer strip measured from the top of the bank either side of all watercourses in urban areas; - A 30m wide riparian buffer strip from top of bank to either side of all watercourses is required as a minimum outside of urban areas.

INF OBJ 39 To support Ireland's renewable energy commitments outlined in national policy by facilitating the development and exploitation of renewable energy sources such as solar, wind, geothermal, hydro and bio-energy at suitable locations within

the County where such development does not have a negative impact on the surrounding environment (including water quality), landscape, biodiversity or local amenities so as to provide for further residential and enterprise development within the county.

The Council is responsible for maintaining, improving, enhancing and protecting the ecological quality of all waters in the County by implementing pollution control measures, licensing of effluent discharges, implementing and monitoring compliance with environmental legislation and drawing up pollution contingency measures on a local and regional level. This role is likely to become even more critical as changes in water availability are predicted as an outcome of climate change.

INF POL 43 To require that development proposals in respect of solar panel photovoltaic (PV) arrays in the vicinity of Dublin Airport shall be accompanied by a full glint and glare study to assess the potential impact upon aviation safety (Refer to Chapter 5 Movement, Section 7.11, Aviation Sector).

5.4. Chapter 8 Cultural and Natural Heritage Strategy

HER OBJ 4 To encourage the management and maintenance of the County's archaeological ; heritage, including historic burial grounds, in accordance with best conservation practice that considers the impact of climate change.

HER POL 27, 28, 30, 31, 35 seek protection of Biodiversity.

HER POL 37 To encourage the retention of hedgerows and other distinctive boundary treatments in rural areas and prevent loss and fragmentation, where practically possible. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same type of boundary will be required.

HER POL 47 To protect the ecological, recreational, educational, amenity and flood alleviation potential of navigational and non-navigational waterways within the County, towpaths and adjacent wetlands.

HER POL 48 To manage, enhance and protect the wetlands of the County having regard to the 'County Meath Wetland Survey 2010' and ensure that there is an appropriate level of assessment in relation to proposals which would involve draining, reclaiming or infilling of wetland habitats.

HER OBJ 48 To support the aims and objectives of the European Landscape Convention by implementing the relevant objectives and actions of the National Landscape Strategy 2015-2025 and any revisions thereof.

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

HER OBJ 49 To ensure that the management of development will have regard to the value of the landscape, its character, importance, sensitivity and capacity to absorb change as outlined in Appendix 5 Meath Landscape Character Assessment and its recommendations

HER OBJ 56 To preserve the views and prospects listed in Appendix 10, in Volume 2 and on Map 8.6 and to protect these views from inappropriate development which would interfere unduly with the character and visual amenity of the landscape.

HER OBJ 60 To encourage, pursuant to Article 10 of the Habitats Directive (92/43/EEC), the management of features of the landscape, such as traditional field boundaries, important for the ecological coherence of the Natura 2000 network and essential for the migration, dispersal and genetic exchange of wild species.

5.5. SEA Environmental report

S.8.14 Wetlands range from ponds to rivers, reed beds to bogs and fens and can also include areas influenced by the marine –from coastal and estuarine salt marshes, dune slacks and saline wet meadows and lagoons. They support a variety of habitats and species, function in the protection of water quality and/or flood control, are important carbon stores contributing to climate resilience and provide open space and recreational opportunities.

There are many habitats and important features that are of particular importance for biodiversity throughout Ireland, including County Meath. Such areas include, hedgerows, woodlands and other field boundary types such as stone walls and ditches, rivers, streams, canals, wetlands, salt marshes and sand dunes. It is important that these areas are protected and enhanced where possible, as these

landscape features and habitats cannot be sustained in isolation from one another as they provide ecological ‘corridors’ that support the movements of species necessary to maintain biodiversity.

The Meath Climate Action Strategy was adopted in September 2019 and progressed through the Climate Action Plan 2024 – 2029.

The **County Meath Wetland Survey 2010** (CDP HER-POL-48) set out issues to be considered when assessing planning applications including the need for appropriate buffer zones, the importance of flood plains and the need for a precautionary approach.

5.6. Biodiversity

National Biodiversity Action Plan 2023 – 2030

Objective 2: Meet Urgent Conservation and Restoration Needs

The primary aim of Objective 2 is to act on the most urgent national conservation and restoration challenges facing Ireland. Objectives, actions and outcomes relevant to the subject proposal include the following:

Action 2B16 By 2024, ensure that the impact of water quality measures on biodiversity is minimised

Action 2C7 and 2C8 By 2025, nature-based solutions are contributing to national climate ambitions

Outcome 2D: Biodiversity and ecosystem services in the marine and freshwater environment are conserved and restored

Action 2D1 By 2027, protection and restoration measures detailed in Ireland’s third RBMP are implemented to ensure that our natural waters are sustainably managed, that freshwater resources are protected so that there is no further deterioration; and where required, Ireland’s rivers, lakes and coastal water bodies are restored to at least good ecological status

EU Nature Restoration Law

The proposed **EU Nature Restoration Law** seeks to repair European habitats that are in poor condition and bring back nature to all ecosystems. The aim is for nature

restoration measures to apply to a proportion of the EU's land and sea areas by 2030 and to eventually extend these measures to all ecosystems in need of restoration by 2050. Article 9, stipulates targets for the rewetting of agricultural soils.

5.7. Natural Heritage Designations

There are no European designated sites within 10 km of the site. The site drains to the Killary Water, which is one of the tributaries of River Dee, which drains to Dundalk Bay SAC and SPA, site codes 000455 and 004026, at a straight line distance of over 20km to the north-east. These sites are designated with qualifying interests relating to estuarine and littoral habitats, and overwintering waterfowl.

The River Boyne and River Blackwater SAC and APA site code 002299 and 004232) are located over 10km to the south, with qualifying interests relating to freshwater habitats and vertebrates including lamprey, salmon, otter and kingfisher. Full details of SAC's and SPA's are set out in the Appropriate Assessment at section 8.0 below.

Proposed NHA's (pNHA) within a 10km buffer of the site are Mentrím Lough and Boyne Woods, these pNHA sites have no relationship with the subject site and are therefore given no further consideration in this report. The site has a hydrological connection with Dundalk Bay which is designated pNHA, which is also designated as SAC and SPA and is for that reason given further consideration in the Appropriate Assessment of the consent sought.

6.0 The Appeal

6.1. Grounds of Appeal

There are 2 number third party appeals against the grant of permission by Meath County Council as follows:

6.2. Appeal of James Meade

- Proposed access track and cable route are stated to impinge on appellants **right of way** (ROW) to access his farm land from the public road. The appeal states that no other land owner has access to lands from the subject lane, and for that reason do not have a ROW and can therefore not give access to the

applicant. The appeal states that if permitted the proposal will impact on the use of the ROW.

- The appellant states that changes to surface water drainage as required in condition 12 of the Meath Co Co Grant of permission could have a negative impact with increased flooding of the appellants land. Condition 12 requires the developer to demonstrate no increase in runoff and to undertake any remedial works necessary.
- The appellant contends that the planning authority did not consider any evidence that noise from wind blowing through the structures will have impacts on livestock in the area.
- The appellant states that proposed fencing will displace badgers and give rise to changed/increased risk of TB.
- It is contended that glint and glare as well as wind noise will impact on wildlife including migratory and non-migratory birds.
- The appellant is of the view that the landscape impact is unacceptable, the assessment failed to take account of the Tain Trail.
- Concerns are raised that noise from inverters and battery packs will disturb wildlife
- The appeal states that property in the vicinity of the proposal will be devalued

6.3. Appeal of Rathkenny Community Against Solar Development

The appeal sets out concerns relating to:

- Impacts on ecology generally.
- General unspecific concerns regarding potential impacts on general and specific wild species including Badgers, Bats, Birds of Prey.
- Impacts on water courses including as a result of panel cleaning chemicals
- Impact of glint and glare on road users and residents, the appeal references the requirement for review of impacts at 1 year as required by condition 7 of the consent.

- The area where the panels are proposed was once a navigable waterway (1800's) used for transportation of stone from quarries.
- Increased risk of flooding
- Risk of subsidence rendering lands unsuitable for construction
- Contamination of ground water use for domestic supply in the area.
- Visual amenity
- Impact on view no.24 protected in CDP
- Loss of view from properties
- Loss of value to property in the area
- Impact of tourist potential of the Tain Trail
- Precedent of refusals for reason of landscape impact.
- Mental health impacts of loss of view
- Light and noise stimuli negative for persons with such sensitivities.
- Noise will impact wildlife.
- No plan for construction and operational noise.
- This appeal makes reference to the objectives of the Lough Derravarragh SPA

Third party submissions to Meath County Council, are appended to the appeal documentation submitted by the Rathkenny Community against Solar Development submission. Any content of these not repeated in the grounds of appeal is summarised where relevant in section 3 of this report.

6.4. Applicant Response

- The proposal was altered at RFI stage with a revised access from the public road, a new access track and revised fencing to avoid impacting the ROW. The revised proposal provides at gate to each side of the subject ROW track in one location only.

- The applicant states that concerns regarding flooding have been addressed in the submitted SSFRA.
- Noise concerns addressed in response to HSE concerns at FI.
- The applicant states that concerns regarding wildlife are addressed in the design of the proposal.
- The applicant, in response to appellant concerns regarding landscape directs attention to the submitted Landscape and Visual Impact Assessment and highlights the intention to comply with condition 6 of the grant removing all panels from the most elevated/visually sensitive field to address concerns.

6.5. Planning Authority Response

The Planning Authority respond that it is satisfied that all matters outlined in the submissions were fully considered in the course of its assessment and request that the Bord uphold the decision to grant permission.

7.0 Assessment

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

- Principle of the development
- Scope of project/detail provided
- Legal title over Right of Way
- Devaluation of property
- Surface water Drainage
- Flood risk
- Riparian Buffers and development exclusion zones
- Water Framework Directive

- Glint and glare
- Noise
- Ecology/biodiversity/ecosystem services
- Landscape impact
- Archaeological impact
- Site management and Maintenance
- Traffic/Roads
- EIA Screening
- Appropriate Assessment

7.1. Principle of the development

The site consists of unzoned agricultural land. The adjoining lands to the north of the site have an active planning permission for a 97Ha solar farm (MCC reg. ref 22/1044) and a recent consent (November 2024) for a 110kv Substation ABP-319662-24 neither of which were commenced at the time of site inspection.

Policy provision at all levels, as set out in section 5 of this report support and promote the principle of development of renewable energy projects, including solar subject to infrastructural and environmental carrying capacity.

INF OBJ 39 of the Meath County Development Plan states that it is an objective of that plan to support Ireland's renewable energy commitments by facilitating the development and exploitation of renewable energy sources including solar at suitable locations where such development would not have a negative effect on the surrounding environment (including water quality).

The applicant has applied for planning permission for an appropriate period of 10 years for construction. The applicant states that timelines for delivery of electricity grid infrastructure can in some cases be lengthy which can ultimately lead to sequencing issues between consents for generation assets and delivery of grid infrastructure. This leads to a breakdown of the plan led approach to

delivery of renewable projects. If the Board are minded to grant permission I consider the case to be an appropriate circumstance to extend the appropriate period.

I am satisfied that the principle of development of utility scale solar generation in the area of the application is acceptable subject to local environmental sensitivities and the impact of the proposal thereon as considered below.

7.2. Scope of project/detail provided

A third party submission to the application stated that the scope of the project is too vague and while the submission to the application did not proceed to appeal. The submission considered that aspects of the proposal are poorly refined and require further consideration post consent. In the interest of clarity I propose to address the matter raised.

I note inconsistencies in the development as described in the application. An example is references to battery storage units/modules. No design, intent or location of battery storage units has been described or illustrated in the plans and particulars. In the interest of clarity the development assessed below does not include battery storage units of the type described as BESS often associated with utility solar generation.

No design, drawing or detail has been provided of the proposed entrance to the site or its crossing of the roadside drain or sightlines. The Transportation Section of Meath County Council reported that it is satisfied with the principle, and that details could be provided post consent. Taking account of the nature of the road, the proposed use of the entrance and the temporary nature of the development I am satisfied that if the Board are minded to, consent could be granted on this basis.

No specific detail has been provided regarding the location or design of vehicular and cable crossings of watercourses. Works to the water bodies and any crossings are subject to the consideration and consent of the OPW as Competent Authority. I consider that in the event of a grant of permission that any final design and location of these crossings could be considered to be points of detail to be agreed post consent.

Archaeological assessment remains outstanding and may when undertaken impact on the layouts proposed. I am satisfied that if the Board are minded to, consent could be granted on the basis of agreement post consent where any alterations arising are not considered material. Further consideration of this issue is set out below.

Notwithstanding the limitations arising from the deficiencies described and taking account of the nature of the proposal and receiving environment I am of the opinion that sufficient detail has been submitted to facilitate my assessment, if the Board are minded to grant permission I consider it appropriate that matters of concern in the submission and otherwise could be agreed prior to commencement of the development.

7.3. Legal Title over Right Of Way (ROW)

The potential of the proposed development to impact on the reported ROW on the existing agricultural laneway has been raised as a ground of appeal, this is a civil matter to be resolved between the parties. Section 34(13) of the Planning and Development Act 2000 as amended states that a person is not entitled solely by reason of a permission to carry out any development.

At further information stage in response to a submission the applicant amended the proposal to address the concerns of the appellant. Although details provided are limited a new access from the public road and a new track, both to the west of the existing are proposed to avoid use of the existing entrance and track. The amended proposal does however require a crossing point across the existing lane for vehicles and cable(s) for the construction and the operation of the proposal. The applicant has reiterated that the crossing of the laneway is within the development ownership boundary and has been designed in a manner to ensure unimpeded access is retained along the laneway. Notwithstanding the above referenced amendments, the appellant remains of the view that the proposal impinges on a ROW and that an alternative construction access and construction compound should be pursued.

Access across the existing access track is necessitated to connect the majority of the proposed solar array to the likely future location of the substation, dictated by the 110kV line.

I am satisfied that the applicants have provided sufficient evidence of their legal interest to make an application. I consider that any potential impact on the reported right of way arising from the proposal to be minimal, and short term. For that reason I consider the revised access and the crossing of the laneway within the ownership boundary acceptable from the perspective of proper planning and sustainable development of the area.

7.4. Devaluation of Property

I note the concerns raised in the ground of appeal in respect of the devaluation of neighbouring property. However, having regard to my assessment and conclusion, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

7.5. Surface Water Drainage

The submitted grounds of appeal include concerns related to flooding and water quality including risk of flooding to neighbouring lands arising from changes to surface water drainage.

The subject site falls within the Glyde and Dee arterial drainage scheme under the 1945 Arterial Drainage Act as amended. The operation, maintenance and any changes to surface water drainage and consenting thereof fall within the competence of the OPW.

The development, if permitted, will require new and repaired/replacement crossings over waterbodies including Arterial Drainage (AD) channels and field drains. The design and location of existing and/or proposed crossings have not been provided as part of the planning application. This aspect of the proposal and the wider hydraulic functioning of surface water drainage arising therefrom falls outside of the remit of planning consent and are subject of licensing by the OPW. It should however be noted that if the Bord are minded to grant permission that amendments may arise post consent as a result of OPW considerations. I am satisfied that these matters can be conditioned and agreed post consent.

7.6. Flood risk

The exclusion of panels from modelled flood zones A or B has been sought by the Planning Authority. The applicant considers the principle of solar panels within flood zones to be acceptable and established by precedent including in ABP case ref:311460.

I note the submitted flood reporting describes limitations to accuracy of the modelling including, the absence of survey data, the use of high-level assumptions and methodological constraints. In addition it appears that presentation of the modelled flood risk is offset on a number of submitted maps which I take to be a map referencing error.

Having reviewed the expert reporting by the Planning Authority and that of the applicant I am of the view that that panel arrays, with cabling and panels positioned above modelled flood levels are not a form of development vulnerable to flood risk. I accept that the placing of panel support racks in the flood zones will not materially impact on storage volumes in the event of any future flood event. In consideration of the type of development proposed, the wider planning policy context, in the context of the Planning System and Flood Risk Management Guidelines for Planning Authorities I consider the proposal to place panels within the identified flood risk not to be contrary to the proper planning and sustainable development of the area.

7.7. Riparian Buffers and exclusion zones

Reasons for exclusion of development in areas subject to flood risk and riparian buffers go beyond potential impacts on flood storage capacity, vulnerability of the development and maintenance access to channels.

Areas of the modelled flood risk coincide to varying extents with riparian zones which include existing and former wetlands associated with waterbodies which were and remain significant for current and future functioning of the local and wider surface water catchment. The proper functioning of these water bodies and the achievement of water, biodiversity and carbon capture policy objectives are dependent on naturally functioning riparian zones to provide critical ecosystem services. The reduction in intensity of agricultural use of the subject land, will reduce agricultural derived pressures.

Arising from the SEA of the Meath County Development Plan and otherwise, policy and objectives set out in section 5 of this report require separation/buffers from water courses/drainage ditches and hedgerows for protection/enhancement of water quality, biodiversity and cultural heritage. It is an objective of Meath CDP (INF OBJ 38) to establish 30m wide riparian corridors from all water courses in rural areas free from new development. Objective (INF OBJ 23) seeks to protect the green infrastructure function of floodplains. Policy (INF POL 22) requires retention of a mandatory 10m access strip free of development for maintenance of channels.

Noting that the sub catchment in which the site is located supports stocks of Salmonoids and Lamprey and has been identified as being at risk of not reaching good status for WFD, Inland Fisheries Ireland recommended suitably sized buffer zones and a minimum of 10m.

The Sustainable Energy Authority of Ireland in its 2016 report *Planning and Development guidance recommendations for utility scale solar photovoltaic schemes in Ireland* recommends maintenance of a c. 5m buffer between any drainage ditches and construction activities.

The Greater Dublin Regional Code of Practice for drainage works V6.0 requires a 15m buffer from watercourses in non built up areas from all proposed structures. INF OBJ 14 of the Meath CDP makes it an objective to require use of SUDS in accordance with the Greater Dublin Regional Code of Practice.

The application proposes 10m separation between panels and streams, 5m from all hedgerows, buffering from trees depending on height and a 2m separation distance from all field drains. The extent to which the submitted layout is compliant with the stated buffers (and modelled flood risk) is unclear due to limitations in detail and scale of submitted mapping. However I consider where the Board are minded to grant permission that an appropriately worded condition could address any lack of clarity in application of the buffer(s) in the submitted material.

The proposal has neither referenced or taken account the 30m buffer free from development required by INF OBJ 38 of the Meath County Development Plan 2021 - 2027. The intent of this objective is to protect the green infrastructure functions of a waterbody including its riparian zone.

The proposal states an intention to provide 20m between stockpiled materials and water bodies and an intention to handle excess excavated soil within the immediate vicinity of the excavation. These intentions present a challenge to the storage and handling of excavated materials within the terms of the methodology in the CEMP for a number of sections of proposed trackway and trenching.

I consider piling and erection of panel arrays, and fencing in the area between 10m and 30m measured from the top of the bank of each Arterial Drainage channels (Scheme Ref: C2(28H), C2(28H1), C2(28F) and C2(28)) does not contravene objective INF OBJ 38 of the Meath County Development Plan 2021-2027 to the extent that it would be material taking account of its intent. However I consider the construction entailing more significant groundworks such as tracks, hardstanding, compounds, and trenching to be inconsistent with achievement of the objective. If the Board are minded to grant permission I consider a condition would be appropriate, to preclude development other than piling, erection of panel arrays and fencing, within 30m of the top of the banks of the above referenced drainage channels. I consider it appropriate to exclude construction compounds, hard standings, swales, tracks, and trenching from this zone. Planting set out in the submitted landscape plan, works to and affecting waterbodies as licenced by the OPW and works agreed with the Planning Authority where no alternative exists would be permitted.

In addition to the control of development within 30m of the channels and for the purpose of protection of biodiversity I consider it appropriate to apply a condition that prior to commencement of any other works in each relevant field a minimum buffer zone to be fenced so as to exclude machinery as follows:

- 10m from the top of each bank of the Arterial Drainage Channels within or bounding the development (Scheme Ref: C2(28H), C2(28H1), C2(28F) and C2(28))
- 5m from the top of bank of each drainage ditch identified on Figure 2.2 Appendix 2A of Appendix 1 *Ecological Appraisal* to the planning report received by Meath County Council 27/11/2023 and
- An area covered by the crown spread of tree branches, or the minimum radius of two metres from the trunk of a tree, or a distance of two metres on each

side of hedgerows/treelines identified on Figure 2.2 of Appendix 2A of Appendix 1 *Ecological Appraisal* to the planning report received by Meath County Council 27/11/2023 or as determined in accordance with *BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction*.

I consider the restriction of development within a 30m, 10m and 5m buffer from waterbodies as set out would be consistent with the achievement of relevant policies and objectives including INF OBJ 38 of the Meath CDP.

The appeal ground that the site of the proposed development had, in the past, been entirely submerged and had operated as a navigation is noted. However this is not supported by any historic cartographic source including OS first edition (circa 1837) and is in any case not material given the longstanding improved agricultural use of the lands.

7.8. Water Framework Directive

I have assessed the proposal having regard to the objectives as set out in Article 4 of the Water Framework Directive to protect and, where necessary, restore surface and ground waterbodies in order to reach good status (meaning both good chemical and good ecological), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because subject to the proposed mitigation there is no conceivable risk to any surface and/or ground waterbodies.

The reason for this conclusion is as follows:

- Nature of works, with minimal excavation required.
- The project includes no abstraction from or emission to any water body.
- All works are buffered from waterbodies.
- The risk of construction and deconstruction related impacts on soils is to be monitored and all risk mitigated.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any waterbody (rivers, lakes, groundwaters, transitional and coastal) either on a temporary or permanent basis and consequently can be excluded from further assessment.

7.9. Glint and Glare

Appendix 5 of the application sets out an extensive report prepared by Macroworks dated July 2023, which assessed the potential for nuisance or hazard arising from Glint and Glare. The assessment concluded that the proposal will not generate any significant nuisance or hazard on foot of Glint and Glare in its own right or in combination with other solar development in the area.

The assessment identified a number of residential properties with a medium to low potential to suffer negative impacts on amenity arising from glint and glare. Each identified case was analysed further with application of mitigation and in consideration of layout and orientation of the houses, windows and position of the sun in the sky in the instance of the identified reflective periods. The specialist reporting concludes that there will likely be no significant nuisance effects generated from glint and glare towards surrounding dwellings as a result of the proposal.

The assessment considered the potential impact at 118 points on roads within 1km of the proposal identified as being theoretically subject to Glint and Glare with a further more detailed analysis of 29 of these points, the expert report concludes that it is not considered that the glint and glare emanating from the proposal will generate significant nuisance or traffic effects for road users within the study area.

The requirement for an aviation glint and glare impact assessment was scoped out by virtue of the proposal falling outside any Solar Safeguarding Zone.

Potential for cumulative impacts was assessed. 3 dwellings and 3 road receptors were identified which fall within a 1km glare study zone for both developments. Following examination, potential cumulative effects were discounted in each case.

I note the concerns regarding Glint and Glare arising in the grounds of appeal. I consider that the glint and glare assessment provided by the application is a detailed and robust document setting out a conclusion of no significant nuisance effects on potential sensitive receptors and adequately addressing the concerns of the appellants.

7.10. Noise

Wind noise passing through the structures giving rise to disturbance of livestock and wildlife is a concern highlighted in grounds for appeal. The potential for increased noise generation by virtue of the additional structures is acknowledged. The existing baseline noise environment includes noise from hedgerows, trees, and agricultural and non-agricultural structures at times of high wind in the vicinity of the proposal. I consider that the future localised and wider wind noise environment after construction of the proposed development would not be significant in the context of existing background noise in times of high wind.

The applicant undertakes to meet the codes of practices as outlined in British Standards (BS) 5228-1: 1997 (Noise Control on Construction and Open Sites - Part 1) and construction will be limited to standard working hours only. I consider this to be acceptable.

The locations of noise sources including inverters are subject to final site survey and design. Notwithstanding the potential for noise generation by the existing agricultural use, and taking account of the characteristics of noise annoyance I consider that the specific concerns raised regarding impacts on persons with sensitivity to noise stimuli could be addressed by the conditioning of noise limits at sensitive receptors and I recommend a condition to this effect below.

7.11. Ecology/biodiversity/ ecosystem services

This section concerns general biodiversity and ecology and in particular potential impacts and opportunities for creation/enhancement of habitats and species which are not qualifying interests of European sites. Matters relation to European sites and associated habitats and species are considered below in the Appropriate Assessment section 8 and appendix 2.

The submitted Ecological Appraisal describes at section 2.1.4 the intent and at 2.110 the expectation of delivery of a net biodiversity gain. A Biodiversity Management Plan has been submitted as an appendix to the Ecological Appraisal both the appraisal and plan rely on pre-construction surveys to identify a number of potential biodiversity sensitivities including birds, bats, badgers and otters with mitigation measures to be determined prior to commencement.

Where the Board are minded to grant permission I recommend a revised biodiversity management plan be requested with a detailed schedule of location specific vegetation control and habitat creation/mitigation measures including provision for monitoring and review by a competent ecologist at intervals during establishment of the measures.

The site itself is not subject to any spatially specific natural heritage designations. However, the partial designation of the site as benefiting lands under the 1945 Arterial Drainage Act, demonstrates that a portion of the site was subject to reclamation/agricultural improvement works at a catchment scale. As a result, and particularly taking account of the drainage network, the area has high potential for net biodiversity gain.

Within the context of existing established intensive agricultural use, I do not consider the site to contain habitats or species with a significant sensitivity or risk of impact arising from the proposed development. I consider the site to have capacity for utility scale solar energy development along with capacity to deliver ecosystem services including biodiversity net gain, towards achievement of environmental objectives including those of the water framework directive as described above.

3 no. badger setts are identified on the submitted block plan (fig 1.1) but not in the reporting submitted for the purpose of the Ecological Appraisal. No specific protection measures have been proposed for these setts. Where the Board are minded to grant permission I recommend a 30m machinery and construction exclusion buffer be required by condition prior to commencement of any works, any reduction from this buffer to be agreed in writing with NPWS and submitted to the Planning Authority.

The application includes a commitment to construct fencing in a manner such that it will not impede badger or other mammal routes. As a result of this mitigation no displacement of or changes to badger foraging routes are anticipated as a result of fencing and for that reason no altered risk of TB to livestock as set out in grounds of appeal is anticipated.

The concern of the appellants regarding glint and glare impacting on local wildlife are noted. No specific sensitive species or issue has been identified by appellants in this regard. Taking into account the analysis presented regarding glint and glare relative

to the range of activities associated with existing agricultural and non agricultural development in the immediate and wider area I do not consider the risk to wildlife from glint and glare to be significant in the context of the existing baseline.

Circa 5km of access tracks are indicated in the submitted drawings requiring 4 crossings of the Killary Water, crossings of drainage ditches and removal of a hedgerow in a number of locations. I recommend that final locations of access tracks be agreed with the Planning Authority taking account of the buffers zones to water bodies and of root protection zones for trees and hedges determined in accordance with *BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction*.

7.12. Landscape impact

Appendix 5 of the application sets out an extensive Landscape and Visual assessment report dated September 2023 prepared by Macroworks who describe themselves as a landscape consultancy firm specialising in LVIA. The assessment contains photomontages to demonstrate the visual impact from a total of 8 identified view points of the proposal with and without mitigation in the form of planting. Cumulative impact assessment considered the Mill Farm Solar project to the north which was not commenced at the time of writing.

Having visited the site and in particular the elevated local roads to the south and east of the proposal I consider the view points chosen for the photomontages provide a reasonable representation of the visual impact of the proposal.

The assessment acknowledges the temporary nature of the development, the assimilative capacity of the rural field patterns and concludes that although the development will be visible from a number of vantage points the proposal is not considered to give rise to any significant residual impacts. The Planning Authority considered the visual prominence of development in the elevated field labelled as field 1 in Figure 2.3 of the Ecological Appraisal report to exceed the capacity of the landscape by virtue of its elevated position and excluded this field from the development by condition number 6 of the consent. The applicant has noted acceptance of this condition in its response to the appeal.

I agree with the removal of development from elevated field no 1 due to its prominence in the landscape with particular reference to CDP protected view no. 24.

I consider the landscape impact of the proposal following removal of field 1 to be appropriate and therefore recommend that where the Bord are minded to grant permission for the proposal that a condition be attached in this regard.

Appellant concerns regarding the impact of the development on tourist enjoyment of the landscape with reference to the Táin trail and for residents, including potential mental health impacts are noted. However, taking account of the extent of the views, the landscape character, level of existing development in the landscape and the temporary nature of the proposal I consider the visual impact to be acceptable.

7.13. Archaeology

The submitted Archaeology report concludes that the subject site is of moderate archaeological potential and recommends a programme of geophysical survey to inform a programme of archaeological testing (page 25 section 6 conclusions). This recommendation was referenced, considered and reinforced by the Department of Housing, Local Government and Heritage in its report recommending archaeological testing to the Planning Authority.

The applicant declined the opportunity to undertake the survey as recommended and requested at further information stage.

Following consideration of the response of the applicant, the Department reported that it cannot reasonably make an informed recommendation to the planning authority. The Planning Authority responded to this issue by condition, requiring testing to be undertaken prior to commencement.

Notwithstanding the potential for amendments to the proposal arising from the archaeological testing I consider that sufficient development control remains at compliance stage, within archaeological licensing and other legislative provisions to allow for archaeological testing to be the subject of a condition where the board are minded to grant permission.

7.14. Site Management and Maintenance

A draft Construction and Environmental Management Plan (CEMP) was submitted with the application. Final CEMP is to be amended to take account of the draft plan,

changes at Further Information, the consent and to be formed with the main contractor. Design and control of works instream and to banks of the existing drainage network shall be subject to the approval of the OPW and the requirements associated with these consents shall be incorporated into the CEMP. The agreement to and operation of the final CEMP, is critical to mitigation measures central to Site Management and Maintenance and protection of the environment.

The applicant has proposed a dedicated Pollution Prevention Clerk of Works to be employed full time on site dedicated to the continuous monitoring and maintaining operation of pollution control measures.

An appellant expressed concerns regarding potential that products used for cleaning panels would impact on water quality. The applicant has committed to the use of non-polluting products only. I consider this to address the concerns of the appellant and the potential cumulative impact of this issue in combination with other solar farms in the catchment.

A further concern was raised in an appeal of the potential for the proposal to render the subject lands unsuitable for future construction purposes. I do not consider this to be material to the consideration of the subject application.

While the draft CEMP is generic, the measures therein, subject to consideration of buffer zones set out above, follow best practice for the type of development as proposed. I consider the submitted CEMP acceptable as a preliminary proposal and recommend that where the Board are minded to grant permission a condition be attached requiring a final CEMP to be agreed prior to commencement.

7.15. Traffic/roads

No drawings of a proposed entrance have been submitted.

The transportation section in Meath County Council have, following assessment reported no concerns or objection to the proposal subject to a condition requiring compliance with standards and written agreement of final design. I consider the transport and construction measures including haul routes and access generally acceptable.

If the Board is minded to grant permission I recommend a condition that details of the construction access be subject to agreement with the Planning Authority.

7.16. EIA Screening

The applicant has submitted in section 2 of the planning report, details required for consideration of Schedule 7A of the Planning and Development Regulations 2001 as amended.

A screening set out in Appendix 1 of this report sets out my consideration of these details and finds that the proposal 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 having 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 permitted 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.

It is considered 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.

8.0 Appropriate Assessment

8.1. Stage 1 – Screening Determination for Appropriate Assessment

Having carried out Appropriate Assessment screening (Stage 1) of the project (included in Appendix 1 of this report), it has been determined that the project may have likely significant effects on River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232) Bay SPA (004026) and Dundalk Bay SAC (000455) in view of the sites' conservation objectives and qualifying interests.

An Appropriate Assessment (Stage 2) is therefore required of the implications of the project on the qualifying interests of the SPA and SAC in light of their conservation objectives.

The possibility of likely significant effects on other European sites has been excluded on the basis of the nature and scale of the project, separation distances, and the absence of meaningful pathways to other European sites.

8.2. Stage 2 Appropriate Assessment

In carrying out an Appropriate Assessment (Stage 2) of the project (included in Appendix 1 of this report), I have assessed the implications of the project on River Boyne and River Blackwater SAC (002299) and River Boyne and River Blackwater SPA (004232) Dundalk Bay SPA (004026) and Dundalk Bay SAC, River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA (000455) in view of the sites' conservation objectives. I have had regard to the applicant's Natura Impact Statement and all other relevant documentation and submissions on the case

file. I consider that the information available including in the case file is adequate to allow the Board to carry out an Appropriate Assessment.

Following the Appropriate Assessment (Stage 2), (included in Appendix 1 of this report) it has been concluded that the project, individually and/ or in-combination with other plans or projects would not adversely affect the integrity of the River Boyne and River Blackwater SAC (002299) and), River Boyne and River Blackwater SPA (004232), Dundalk004232Dundalk Bay SPA (004026) or), Dundalk Bay SAC (000455) in view of the sites' conservation objectives and qualifying interests.

This conclusion is based on:

- An assessment of all aspects of the project including proposed mitigation measures in relation to the conservation objectives of River Boyne and River Blackwater SAC (002299),, River Boyne and River Blackwater SPA (004232),, Dundalk Bay SPA (004026) and , Dundalk Bay SAC (000455).
- An assessment of in-combination effects with other plans and projects including historical and current plans and projects.
- There being no reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Boyne and River Blackwater SAC (002299),, River Boyne and River Blackwater SPA (004232),, Dundalk Bay SPA (004026) or on , Dundalk Bay SAC (000455).

9.0 Recommendation

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

10.0 Reasons and Considerations

Having regard to:

- the national and regional policy objectives in relation to renewable energy,
- the provisions of the Meath County Development Plan 2021 – 2027,
- the nature, scale, extent and layout of the proposed development,

- the documentation submitted with the application and appeal,
- the licensing by the OPW of impacts on waterbodies including vehicular and cable crossings thereof,
- the mitigation measures proposed for the construction and operation of the proposed development,
- the topography of the area,
- the hedging and screening on the site,
- the pattern of development in the area
- Measures proposed for the construction, operation and decommissioning of the development,
- The submissions on the file
- The documentation submitted with the appeal

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, is consistent with the Climate and Low Carbon Development Act 2015 as amended, and the Climate Action Plan 2024, would not conflict with the provisions of the operative Meath County Development Plan 2021 – 2027, would not seriously injure the visual amenities of the area or the residential amenities of property in the vicinity, would not be likely to have significant effects on the environment or the ecology of the area, would be acceptable in terms of traffic safety and convenience, and would make a positive contribution to Ireland's renewable energy requirements.

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

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 27th day of November 2023, 29th day of July 2024 and 20th day of August 2024, as well as the submission to An Bord Pleanála received on the 5th day of November

2024 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Appropriate period operational Lifetime and decommissioning –
 - a) The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.
 - b) The permission shall be for a period of 35 years from the date of the commissioning of the solar array. The solar array and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.
 - c) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the solar arrays, including all foundations, anchors, inverter/transformer stations, control building, CCTV cameras, fencing and site access to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.
 - d) On full or partial decommissioning of the solar farm, or if the solar farm ceases operation for a period of more than one year, the solar arrays, including foundations/anchors, and all associated equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years and to enable the planning authority to review the operation of the solar farm over

the stated time period, having regard to the circumstances then prevailing, and in the interest of orderly development.

3. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented in full.

Reason: To protect the integrity of European Sites.

4. Prior to commencement, details of all works consented by or to be undertaken by the OPW pursuant to Section 50 or Section 9 of the Arterial Drainage Act 1945 as amended including all proposed and amended, crossings, diversions, or other relevant amendments to waterbodies shall be submitted to the Planning Authority.

Reason: In the interests of regulating, restricting and controlling development in an area subject to flood risk, for pollution prevention and the protection of the environment.

5. The proposed development shall be amended as follows:
 - a) development, including panels, PV racks, and maintenance roadways shall be omitted from field labelled no.1 on Figure 2.3 of the Ecological Appraisal Report.
 - b) with the exception of development authorised or undertaken by the OPW pursuant to Section 9 or Section 50 of the Arterial Drainage Act 1945 as amended, or as otherwise agreed with the Planning Authority, no construction plant and machinery shall be operated and no development shall be undertaken (including construction compounds, hard standings, swales, tracks, trenching and fencing) within the following buffer zones:
 - i. 10m extending from the top of each bank of Arterial Drainage Channels OPW Scheme Ref: C2(28H), C2(28H1), C2(28F) and C2(28))
 - ii. 5m extending from the top of bank of each drainage ditch identified on Figure 2.2 Appendix 2A of Appendix 1 *Ecological Appraisal* to the Planning Report received by Meath County Council 27/11/2023,
 - iii. An area covered by the crown spread of tree branches, or the minimum radius of two metres from the trunk of a tree, or a distance of two metres on each side of hedgerows/treelines identified on Figure 2.2 of

Appendix 2A of Appendix 1 *Ecological Appraisal* to the planning report received by Meath County Council 27/11/2023 or as determined in accordance with *BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction*

- iv. Within 30m of each of the 3 no. badger setts identified on the submitted block plan (fig 1.1), and any further setts identified. Any reduction from this buffer shall be in accordance with the written agreement of NPWS which shall be submitted to the planning Authority.

Fencing for each of the above referenced exclusion zones, and throughout the site shall provide for mammal access in accordance with standardised guidelines.

- c) Access tracks, hard standings, construction compounds surface water swales and trenching for cables or for surface water control shall be located not less than 30m from the top bank of the Arterial Drainage Channels other than where it has been demonstrated and agreed in writing with the planning authority that no alternative exists and in the case of tracks and crossings of waterbodies as consented by OPW.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: in the interest of visual amenity, protection and conservation of the environment including flora and fauna, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns, the prevention of environmental pollution and the protection of waters.

- 6. The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) following consultation with the National Monument Service (NMS) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, and geophysical survey of the development site. Test trenches will be excavated

at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930-2004), having consulted the geophysical survey results and the site drawings. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement with appropriate imagery and illustrations and mitigation strategy, to be submitted for evaluation and written approval to the Department of Housing Local Government and Heritage and for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the Local Authority, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

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

7. All of the environmental, construction and ecological mitigation measures, as set out in the Planning and Environmental Report, Ecological Appraisal, Landscape Mitigation Plan, Construction and Environmental Management Plan, Archaeological Assessment, and a revised biodiversity management plan, (containing a detailed schedule of location specific vegetation control and habitat creation/mitigation/monitoring) to be agreed with the Planning Authority and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines and monitoring set out therein, except as may otherwise be required in order to comply with the conditions of this Order.

Reason: in the interest of visual amenity, protection and conservation of the environment including flora and fauna, the prevention of environmental pollution and the protection of waters.

8. 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.

9. The solar panels shall be fixed in place by way of driven pile or screw pile foundations only, unless otherwise authorised by a separate grant of planning permission.

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

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

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

11. (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
(b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
(c) With the exception of cables within flood zones and riparian buffers, cables within the site shall be located underground.
(d) The transformers/ inverters shall be dark green in colour.

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

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

- a) Prior to commencement of any other works in each relevant field, the prescribed buffer zones shall be fenced so as to exclude machinery from each buffer other than works by or licenced by OPW or agreed in writing prior to commencement with NPWS and or the Planning Authority as appropriate;
- b) location of the site and materials compound(s);
- c) location of areas for construction site offices and staff facilities;
- d) details of site security fencing and hoardings;
- e) details of on-site car parking facilities for site workers during the course of construction;
- f) 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 any abnormal loads to the site;
- g) measures to obviate queuing of construction traffic on the adjoining road network;
- h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) 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;
- k) off-site disposal of construction/demolition waste
- l) details of on-site re-fuelling arrangements, including use of drip trays;
- m) details of how it is proposed to manage excavated soil;
- n) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.
- o) Hours of construction.

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

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

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

13. The developer shall submit to and receive the written agreement of the Planning Authority to a drawing of the proposed entrance detailing the proposed treatment of the roadside drain, the maintenance of unobstructive sightlines to 120 metres to the near side of the road from a set back of 2.4 metres, in accordance with TII document DN-GEO-03060 from the entrance. The near side Road edge shall be visible over the entire site line. The entrance piers shall be at least 3 metres from the edge of the road and the entrance gate shall be recessed at least 17 metres from the edge of the road.

Reason: In the interest of Traffic Safety and orderly development.

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

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

15. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon 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.

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

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

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Hugh O'Neill

Senior Planning Inspector

29 01 2025

Appendix 1

EIA Pre-Screening Form 1

An Bord Pleanála Case Reference	ABP-321002-24		
Proposed Development Summary	Solar PV energy development and ancillary infrastructure on a site of Circa 130Ha. A Natura Impact Statement accompanies this application. Significant further information/revised plans were submitted.		
Development Address	Killary, Lobinstown, Navan & Rathkenny, Navan, Co. Meath		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No		No	
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No		No	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes		Solar energy development is not listed as a class of development for the purposes of EIA under Part 2 of Schedule 5, within the Planning and Development Regulations, 2001 (as amended). Having regard to the purpose, nature and to the limited extent of the works, the proposed development would not constitute rural restructuring under Class 2 of Part 2 of Schedule 5 or relate to private roads under Class 10 of Part 2 of Schedule 5.	Preliminary examination required
5. Has Schedule 7A information been submitted?			
No			
Yes	Yes	Screening Determination required	

Inspector: _____ Date: 29/01/2025

EIA Screening Determination Form 3

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-321002-24	
Development Summary	Solar PV energy development and ancillary infrastructure on a site of Circa 130Ha. A Natura Impact Statement accompanies this application. Significant further information/revised plans were submitted.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	Section 12 of the planners report considers inter alia the nature, size, and location prior to concluding that an EIAR is not required.
2. Has Schedule 7A information been submitted?	Yes	Not under a heading stating Schedule 7A information however section 2 of the submitted Planning Report sets out the information required by schedule 7A
3. Has an AA screening report or NIS been submitted?	Yes	NIS submitted
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the	No	

environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA			
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	The development will replace current agricultural practices with an extensive array of solar panels.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The development will replace current agricultural practices with an extensive array of solar panels.	No

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?	Yes	It is anticipated at cessation of the proposed use the lands will revert to the underlying and default agricultural use.	Yes, provision of renewable energy
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?	No		
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	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?	Yes	Taking account of extensive drainage network and heavy soils there is potential where vegetation cover is broken by machinery during construction/decommissioning for runoff of particulate matter (soils) to surface waters, particularly in an extreme rainfall and/or flooding event during construction. This risk is mitigated by measures in the CEMP and conditions of the consent.	No, with full implementation of mitigation there shall be no significant residual risk.
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No		
1.8 Will there be any risks to human health, for example due to	No		

water contamination or air pollution?			
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No		
1.10 Will the project affect the social environment (population, employment)	No		
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	The proposed development is part of a wider energy diversification project, a separate consented solar farm development is located circa 550m to the north 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 each of 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.	No, with full implementation of mitigation there shall be no significant residual risk of effects.
2. Location of proposed development			
2.1 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"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA 	Yes	The development has potential to impact on riparian corridors of watercourses containing and with a hydrological connection to protected and unprotected habitats containing protected and unprotected species. Mitigation measures for the protection of these watercourse have been designed into and are conditioned which address any location specific issues.	No significant impacts anticipated following mitigation.

<ul style="list-style-type: none"> - Designated Nature Reserve - Designated refuge for flora or fauna - 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 			
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Yes	<p>3 badger setts have been identified within the application boundary. Badgers and their setts are protected under the provisions of the Wildlife Act, 1976, and the Wildlife Amendment Act, 2000. A buffer zone shall be established by condition preventing any construction activity in the vicinity of the identified or any other badger setts. Measures have been provided in the development to avoid restricting the movement of badgers, and other fauna and protection measures are in place for excavations.</p>	No significant impacts anticipated following mitigation.
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	<p>There are 10 National monuments within a 1km buffer of the proposal, the archaeological report in support of the proposal recommended a geophysical survey, this was requested by the Department of Housing Local Government and Heritage as competent Authority for Archaeology given the archaeological potential. This was not undertaken. In the event of a consent and prior to commencement a full geophysical survey will be required. Any archaeological mitigation necessary will be incorporated into a revised design insofar</p>	No significant impact following mitigation.

		<p>as it does not represent a material alteration to the development.</p> <p>The development was modified at design stage, again at further information stage and again by condition of Meath County Council in order to take account of the Landscape impact. I consider that Landscape issues have been adequately addressed</p>	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No		
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	Watercourses and associated floodplains could be impacted by construction. Mitigation has been introduced in the design, enhanced at Further Information and will be further enhanced by condition in the event of a grant of permission.	No significant impacts anticipated following mitigation.
2.6 Is the location susceptible to subsidence, landslides or erosion?	Yes	Taking account of the nature of development, and topography of the site there is a risk of soil erosion where surface vegetation becomes damaged by construction machinery, particularly in wet weather. This has been mitigated by design, at Further Information stage and will be further enhanced by conditions to be applied to the construction and decommissioning stages.	No significant impacts anticipated following mitigation.
2.7 Are there any key transport routes(eg National primary Roads)	No		

on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?			
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No		
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	Yes	The proposed development is part of a wider energy diversification project, a separate consented solar farm development is located circa 550m to the north 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 each of 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.	No, with full implementation of mitigation there shall be no significant residual risk of effects.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No		
3.3 Are there any other relevant considerations?	No		

C. CONCLUSION

No real likelihood of significant effects on the environment.



EIAR Not Required

Real likelihood of significant effects on the environment.



EIAR Required

D. MAIN REASONS AND CONSIDERATIONS

EIAR not Required

Having 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 permitted 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, Archaeology impact assessment, Flood risk assessment / drainage impact assessment., noise impact assessment, glint and glare assessment, Construction Environmental Management Plan, and Decommissioning Plan .

It is considered 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.

Inspector _____

Date 29/01/2025

Approved (DP/ADP) _____

Date _____

Appendix 2

Screening the need for Appropriate Assessment Stage 1

I have considered the proposal for the Solar Farm ABP reg Re: 321002 in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site consists of circa 130 HA of improved shallow sloping agricultural lands ranging from an elevation of circa 62 to 90m AOD, field boundaries which are generally defined by hedgerows, drains and streams are to be retained. A portion of the site is designated as Benefiting Lands, the entire site falls to the upper reaches of the Glyde and Dee arterial drainage scheme ultimately draining to Dundalk Bay, at a straight line distance of circa 24km. The site is located circa 8 km north the River Boyne and Blackwater SAC and SPA to which there is no evidence of a surface water hydrological connection. The site is within 1.5km of the watershed between the Boyne and the Dee catchments.

The AA Screening Report (and NIS) considers both the proposed solar farm development as well as the potential future grid connection via a future 110kV substation the location of which has been provided.

A submission from Inland fisheries Ireland (IFI) noted the value of the river Dee from a fisheries perspective and notes that it contains Atlantic salmon, brown trout and lamprey (annex II of Habitats Directive) among other species. The IFI submission also points out that The WFD Ecological status of the waterbody at this location, Killary_010, is Moderate and At Risk of not achieving Good status.

Potential impact mechanisms from the project

If uncontrolled, aspects of the project could generate impacts which might represent a risk to the achievement of the conservation objectives of a European Sites as they relate to water bodies and the surface water control on the site. Potential effects mechanisms include direct loss of habitat, disturbance and displacement of protected species and the consequences of negative impacts on water quality a catchment contributing to an aquatic natura site.

Examples of Indirect impacts and effect mechanism are:

A Surface water pollution (silt/ hydrocarbon/ construction related) from construction works resulting in changes to environmental conditions such as water quality/ habitat degradation in the river Dee catchment contributing to Dundalk Bay SAC and SPA and impacting Otter and Kingfisher

B Disturbance, displacement and potential barrier to Otter and Kingfisher as mobile species (QI Boyne Blackwater SAC/SPA) associated with works, noise, lighting

European Sites at risk

Table 1 European Sites at risk from impacts of the proposed project			
Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Water Pollution	Run off during construction/ decommissioning	River Boyne and River Blackwater SAC 002299	<i>Lutra lutra</i> (Otter) [1355]
Water Pollution	Run off during construction/ decommissioning	River Boyne and River Blackwater SPA 004232	<i>Alcedo atthis</i> (Kingfisher)[A229]
Disturbance, displacement and potential barrier by in stream works	Machinery working in and in vicinity of waterbodies	River Boyne and River Blackwater SPA 004232	<i>Alcedo atthis</i> (Kingfisher)[A229]
Disturbance, displacement and potential barrier by in stream works	Machinery working in and in vicinity of waterbodies	River Boyne and River Blackwater SAC 002299	<i>Lutra lutra</i> (Otter) [1355]
Water Pollution	Run off during construction/ decommissioning	Dundalk Bay SAC 000455	[1130] Estuaries, [1140] Mudflats and sandflats not covered by seawater at low tide, [1220] Perennial vegetation of stony banks, [1310] Salicornia and other annuals colonising mud and sand, [1330] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>), [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)
Water Pollution	Run off during construction/ decommissioning	Dundalk Bay SPA 004026	[A046] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>), [A162] Redshank (<i>Tringa totanus</i>), [A069] Red-breasted Merganser (<i>Mergus serrator</i>), [A142] Lapwing (<i>Vanellus vanellus</i>), [A156] Black-tailed Godwit (<i>Limosa limosa</i>), [A048] Shelduck

			(<i>Tadorna tadorna</i>), [A179] Black-headed Gull (<i>Chroicocephalus ridibundus</i>), [A065] Common Scoter (<i>Melanitta nigra</i>), [A005] Great Crested Grebe (<i>Podiceps cristatus</i>), [A184] Herring Gull (<i>Larus argentatus</i>), [A157] Bar-tailed Godwit (<i>Limosa lapponica</i>), [A043] Greylag Goose (<i>Anser anser</i>), [A182] Common Gull (<i>Larus canus</i>), [A160] Curlew (<i>Numenius arquata</i>), [A140] Golden Plover (<i>Pluvialis apricaria</i>), [A052] Teal (<i>Anas crecca</i>), [A141] Grey Plover (<i>Pluvialis squatarola</i>), [A053] Mallard (<i>Anas platyrhynchos</i>), [A054] Pintail (<i>Anas acuta</i>), [A149] Dunlin (<i>Calidris alpina</i>), [A137] Ringed Plover (<i>Charadrius hiaticula</i>), [A130] Oystercatcher (<i>Haematopus ostralegus</i>), [A143] Knot (<i>Calidris canutus</i>), Wetlands
--	--	--	--

Likely significant effects on the European site(s) 'alone'

In addition to the published threats and pressures to QI features and in acknowledgment that much of the habitats in Dundalk Bay rely on the deposition of particulate matter, I have considered the supporting function of the Dee catchment and its habitats and species and the threat in the event of reduced water quality in the supporting function to the conservation objectives of the SAC and SPA.

Table 2: Could the project undermine the conservation objectives 'alone'					
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?			
		Effect A	Effect B	Effect C	Effect D
River Boyne and River Blackwater SAC 002299 <i>Lutra lutra</i> (Otter) [1355]	To maintain the favourable conservation condition of Otter (<i>Lutra lutra</i>) in River Boyne	Y	Y		
River Boyne and River Blackwater SPA 004232 <i>Alcedo atthis</i> (Kingfisher)[A229]	To maintain the Favourable conservation condition of Kingfisher in River Boyne and River Blackwater SPA	Y	Y		
Dundalk Bay SAC 000455 [1130] Estuaries, [1140] Mudflats and sandflats not covered by seawater at low tide, [1220] Perennial vegetation of stony banks, [1310] <i>Salicornia</i> and other annuals colonising mud and sand, [1330] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>), [1410]	To maintain the favourable conservation condition of Estuaries in Dundalk Bay SAC To maintain the favourable conservation	Y	Y		

Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	<p>condition of Mudflats and sandflats not covered by seawater at low tide at Dundalk Bay SAC</p> <p>To maintain the favourable conservation condition of Perennial vegetation of stony banks in Dundalk Bay SAC</p> <p>To restore the favourable conservation condition of <i>Salicornia</i> and other annuals colonizing mud and sand in Dundalk Bay SAC</p> <p>To maintain the favourable conservation condition of Atlantic salt meadows in Dundalk Bay SAC</p> <p>To maintain the favourable conservation condition of Mediterranean salt meadows in Dundalk Bay SAC</p>				
<p>Dundalk Bay SPA 004026</p> <p>[A046] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>), [A162] Redshank (<i>Tringa totanus</i>), [A069] Red-breasted Merganser (<i>Mergus serrator</i>), [A142] Lapwing (<i>Vanellus vanellus</i>), [A156] Black-tailed Godwit (<i>Limosa limosa</i>), [A048] Shelduck (<i>Tadorna tadorna</i>), [A179] Black-headed Gull (<i>Chroicocephalus ridibundus</i>), [A065] Common Scoter (<i>Melanitta nigra</i>), [A005] Great Crested Grebe (<i>Podiceps cristatus</i>), [A184] Herring Gull (<i>Larus argentatus</i>), [A157] Bar-tailed Godwit (<i>Limosa lapponica</i>), [A043] Greylag Goose (<i>Anser anser</i>), [A182]</p>	<p>To maintain the favourable conservation condition of Great Crested Grebe in Dundalk Bay SPA</p> <p>To maintain the favourable conservation condition of Greylag Goose in Dundalk Bay SPA</p> <p>To maintain the favourable conservation condition of Light-bellied Brent Geese in Dundalk Bay SPA</p>	Y	Y		

Common Gull (<i>Larus canus</i>), [A160] Curlew (<i>Numenius arquata</i>), [A140] Golden Plover (<i>Pluvialis apricaria</i>), [A052] Teal (<i>Anas crecca</i>), [A141] Grey Plover (<i>Pluvialis squatarola</i>), [A053] Mallard (<i>Anas platyrhynchos</i>), [A054] Pintail (<i>Anas acuta</i>), [A149] Dunlin (<i>Calidris alpina</i>), [A137] Ringed Plover (<i>Charadrius hiaticula</i>), [A130] Oystercatcher (<i>Haematopus ostralegus</i>), [A143] Knot (<i>Calidris canutus</i>), Wetlands	To maintain the favourable conservation condition of Shelduck in Dundalk Bay SPA To maintain the favourable conservation condition of Teal in Dundalk Bay SPA To maintain the favourable conservation condition of Mallard in Dundalk Bay SPA To maintain the favourable conservation condition of Pintail in Dundalk Bay SPA To maintain the favourable conservation condition of Common Scoter in Dundalk Bay SPA To maintain the favourable conservation condition of Red-breasted Merganser in Dundalk Bay SPA To maintain the favourable conservation condition of Oystercatcher in Dundalk Bay SPA To maintain the favourable conservation condition of Ringed Plover in Dundalk Bay SPA To maintain the favourable conservation condition of Golden Plover in Dundalk Bay SPA				
---	--	--	--	--	--

	<p>To maintain the favourable conservation condition of Grey Plover in Dundalk Bay SPA</p> <p>To maintain the favourable conservation condition of Lapwing in Dundalk Bay SPA</p> <p>To maintain the favourable conservation condition of Knot in Dundalk Bay SPA</p> <p>To maintain the favourable conservation condition of Dunlin in Dundalk Bay SPA</p> <p>To maintain the favourable conservation condition of Black-tailed Godwit in Dundalk Bay SPA</p> <p>To maintain the favourable conservation condition of Bar-tailed Godwit in Dundalk Bay SPA</p> <p>To maintain the favourable conservation condition of Curlew in Dundalk Bay SPA</p> <p>To maintain the favourable conservation condition of Redshank in Dundalk Bay SPA</p> <p>To maintain the favourable conservation condition of Black-headed Gull in Dundalk Bay SPA</p> <p>To maintain the favourable</p>				
--	--	--	--	--	--

	conservation condition of Common Gull in Dundalk Bay SPA To maintain the favourable conservation condition of Herring Gull in Dundalk Bay SPA To maintain the favourable conservation condition of the wetland habitat in Dundalk Bay SPA				
--	--	--	--	--	--

Screening conclusion

I conclude that the proposed development would have a likely significant effect 'alone' on species and habitats of River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA 004232 and Dundalk Bay SAC 000455 and Dundalk Bay SPA 004026 from effects associated with the development proposed ABP Reg ref. 321002. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 is required on the basis of the effects of the project 'alone'.

Appropriate Assessment Stage 2

The Natura Impact Statement

The application includes a Natura Impact Statement (NIS) prepared by Neo environmental and dated 25/10/23. The NIS included a Screening for Appropriate Assessment.

The application includes a Stage 1 AA Screening Report which provides a description of the proposed site and development and identifies European Sites within a possible zone of influence of the development.

The application documentation includes a Planning and Environmental Report, CEMP, and Ecological Appraisal which contains an appendix titled biodiversity management plan.

The applicants AA Screening Report concluded that the application has a potential ecological connection with the Boyne and Blackwater SAC. Taking account of otter territories of up to 40 km and the nature of the habitats on the site, the report states that this SAC is considered further for reason of this potential ecological connection. The author considers there to be a potential ornithological connection as a result of Kingfisher being recorded on the site during a 2022 habitat survey.

Following a detailed section 5 titled Mitigation Measures and consideration in section 6 of Cumulative effects the conclusion set out in section 7 states: *It is concluded that the Proposed Development will not adversely affect the integrity of any Natura 2000 designated site due to measures inaugurated during the design phase and following relevant guidance to prevent pollution during the construction and operation phases. Pollution prevention measures, proposed drainage management and waste management measures have been outlined in Section 7 of this report.*

With the implementation of these measures, it is considered that the Proposed Development will not have a significant effect upon any qualifying features, and therefore the integrity, of the Natura 2000 site connected with the Application Site.

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

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.

I consider there are 4 no. European sites located within a potential zone of influence of the proposed development as follows:

European Site Name [site code]	Qualifying Interests at risk	Distance/ Pathway/ZOI	Connections
River Boyne and River Blackwater SAC 002299	<i>Lutra lutra</i> (Otter) [1355] 002299 Conservation Objective: To maintain the favourable conservation condition of Otter (<i>Lutra lutra</i>) in River Boyne	8.28km south. site at top catchment 1.5km to watershed.	Potentially Ecological connections. Otter range up to 40km suitable habitat on site.
River Boyne and River Blackwater SPA 004232	<i>Alcedo atthis</i> (Kingfisher) [A229] Conservation Objective: To maintain the Favourable conservation condition of Kingfisher in River Boyne and River Blackwater SPA	8.28km South site at top catchment 1.5km to watershed	Potential ornithological Connection. kingfisher identified on subject site.
Dundalk Bay SAC 000455	[1130] Estuaries, [1140] Mudflats and sandflats not covered by seawater at low tide, [1220] Perennial vegetation of stony banks, [1310] Salicornia and other annuals colonising mud and sand, [1330] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>), [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	Circa 23 km North East Hydrological connection,	Hydrological connection. From within and surrounding the site.
Dundalk Bay SPA 004026	[A046] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>), [A162] Redshank (<i>Tringa totanus</i>), [A069] Red-breasted Merganser (<i>Mergus serrator</i>), [A142] Lapwing (<i>Vanellus vanellus</i>), [A156] Black-tailed Godwit (<i>Limosa limosa</i>), [A048] Shelduck (<i>Tadorna tadorna</i>), [A179] Black-headed Gull (<i>Chroicocephalus ridibundus</i>), [A065] Common Scoter (<i>Melanitta nigra</i>), [A005] Great Crested Grebe (<i>Podiceps cristatus</i>), [A184] Herring	Circa 23 km North East	Hydrological connection, Channels of significance to the sub catchment within and surrounding the site.

	Gull (<i>Larus argentatus</i>), [A157] Bar-tailed Godwit (<i>Limosa lapponica</i>), [A043] Greylag Goose (<i>Anser anser</i>), [A182] Common Gull (<i>Larus canus</i>), [A160] Curlew (<i>Numenius arquata</i>), [A140] Golden Plover (<i>Pluvialis apricaria</i>), [A052] Teal (<i>Anas crecca</i>), [A141] Grey Plover (<i>Pluvialis squatarola</i>), [A053] Mallard (<i>Anas platyrhynchos</i>), [A054] Pintail (<i>Anas acuta</i>), [A149] Dunlin (<i>Calidris alpina</i>), [A137] Ringed Plover (<i>Charadrius hiaticula</i>), [A130] Oystercatcher (<i>Haematopus ostralegus</i>), [A143] Knot (<i>Calidris canutus</i>), Wetlands		
--	--	--	--

I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie)

The submitted NIS utilised a 15km buffer from site for identification of Natura Sites for consideration, on that basis and notwithstanding the absence of a surface water connection the author considered only the Boyne and Blackwater SAC and SPA to fall within the Zone of Influence.

Taking account of the location of the site within the river Dee catchment and the channels within the site, draining to Dundalk Bay SAC and SPA and applying a precautionary principle for the purpose of Stage 1 screening I considered that Dundalk Bay SAC and SPA fall within the Zone of Influence of the development.

The proposed development will not result in any direct effects on the Boyne and Blackwater or Dundalk Bay SACs or SPAs. However due to the size, scale and proximity of the proposed development to significant drainage channels in the upper catchment of the River Dee along with identified flood risk, impacts generated by the construction of the solar farm development require consideration.

Sources of potential impact include: Release of silt and sediment during site works for the installation of access tracks including crossing of water bodies, construction compounds and hard standings, the installation of solar panel support structures, trenching for cables including or crossing of water bodies and the construction of surface water control measures including intercept drains and swales as proposed. Relative to the scale of the site this development type does not involve

major ground works, however in an absolute level the extent of proposed ground works is significant, with almost 3 Ha to be excavated and stone installed for trackways alone. There will also be a significant volume of machinery movements in areas where no tracks are proposed. Taking particular account of wetter areas, if not carefully managed the ground over a significant portion of the site will become badly broken up over an extended period. Where combined with an extreme rain event and/or flooding these conditions could contribute to significant increased sediment load to receiving water with resultant impacts on both their hydrological functioning and associated ecosystem services. As a result there is potential for significant impacts on water quality within the catchment contributing to the wider ecological function of the water body including on estuarine habitats and species in Dundalk bay for which there are objectives to protect.

The potential for release of construction related compounds including detergents and hydrocarbons to surface water and increased human disturbance at this site, particularly during the construction/ installation phase also presents a more direct risk of disturbance to Otter and Kingfisher both qualifying interests for Boyne Natura Sites.

Likely significant effects on the European sites in view of the conservation objectives

Based on the information provided in the screening/NIS, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in the following impacts:

- potential disturbance risks to Otter and kingfisher, qualifying interest species for the SAC and SPA,
 - which could be associated with increased noise, additional lighting and increased human activity at both construction and post construction phases;
 - potential damage to riparian and aquatic habitats associated with inadvertent spillages of hydrocarbons and/or other chemicals during construction phase;

- potential damage to the river Dee catchment which as upper catchment forms a key part of the natural network contributing to the functioning of contributing waters to Dundalk Bay SAC and SPA. In the event of water quality impacts during the construction phase, an impact of sufficient magnitude could undermine the sites conservation objectives

Submissions and Observations

A submission from Inland fisheries Ireland (IFI) noted the value of the river Dee from a fisheries perspective and notes that it contains Atlantic salmon, brown trout and lamprey (annex II of Habitats Directive) among other species. The IFI submission also points out that The WFD Ecological status of the waterbody at this location, Killary_010, is Moderate and At Risk of not achieving Good status.

Submissions to the Planning Authority and Appeal documentation submitted to An Bord Pleanála contained general concerns relating to ecology. Reference to Derravarragh SPA in the appeal by the Rathkenny Community against Solar Development is not supported by any information as to how the appellant considers the development to impact on the conservation objectives of Derravarragh SPA which is located at approximately 45km straight line separation. I have failed to establish a connection in this regard and consider it likely to be a typing error in the appeal.

European Sites

Aspects of the proposed development that could adversely affect Conservation Objectives

The development could adversely affect conservation objectives of the European Site through direct impacts on water bodies by way of in channel work or works to the banks of waterbodies giving rise to disturbance or displacement of mobile species and by way of the liberation and release of sediments from construction/decommissioning activities. Potential impacts on Otter and Kingfisher (Boyne Blackwater SAC and SPA) have been identified in the NIS. Other potential impacts are on the proper functioning of the upper reaches of the catchment of the river Dee and its function as a watercourse contributing to Dundalk Bay SAC/SPA could result.

Direct impact of works and of sediment and/or hydrocarbon release during construction activities could occur in the absence of appropriate mitigation during these periods and I also consider that should the site not be appropriately managed and maintained during the operational period (e.g., monitoring and drainage maintenance, site upkeep/cleaning) there is potential for adverse impacts or releases to watercourses which drain to and contribute to the integrity of the European sites as defined by species and habitats for which they are protected.

In Combination Effects

The Submitted NIS sets out a list of plans and projects for consideration of cumulative effects. The development of the Mill Farm Solar development and the recently permitted 110Kv substation the boundary of each of which is within 600m of the subject proposal and within the same sub catchment were not included in the consideration of the submitted NIS

Table 3: Plans and projects that could act in combination with impact mechanisms of the proposed project.

Plan /Project	Effect mechanism
MCC reg ref: 221044 approved not commenced. 97.05 hectares solar farm application	Potential increase in magnitude of impact on water quality of the sub catchment and therefore on the catchment generally and its resilience.
ABP-319662-24 SID development 110kV Substation and Loop-in connection associated with solar development MCC reg ref: 221044 above	Potential increase in magnitude of impact on water quality of the sub catchment and therefore on the catchment generally and its resilience.

Mitigation provided with the projects set out above to address risks to surface water bodies and the water quality therein negates any potential for cumulative effects.

I conclude that the proposed development would not have, in combination with other plans and projects considered above an impact on the integrity of any European site. No further assessment of in combination effects is required.

Mitigation measures

The NIS makes the case that measures have been implemented as part of an iterative design process to prevent the proposal from impacting on sensitive ecological features. Having identified the threats to the habitats and species forming the conservation objectives of the Natura Sites as potential impacts on waterbodies and water quality, a mitigation hierarchy has been determined for inclusion by condition in the event of the Bord being minded to grant permission.

In addition to the standard mitigation measures as set out in the NIS further mitigation of the identified threats by final design, construction management planning and monitoring include at the top tier, measures to exclude any construction excavation and machinery operating within buffer zones. Second tier is to ensure that excessive breaking up and/or compaction of soils during construction is avoided, identified, and remediated where required, thereby preventing mobilisation of particulate matter.

The key measures are a 5m buffer from hedgerows and a 10m development and 30m excavation Buffer from River/Stream.

Integrity Test

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

Appropriate Assessment conclusion

The Killary Solar Farm project ABP reg Ref 321002 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 River Boyne and River Blackwater SAC 002299, River Boyne and River Blackwater SPA 004232, Dundalk Bay SAC 000455 and Dundalk Bay SPA 004026. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

Following an Appropriate Assessment, 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 River Boyne and River Blackwater SAC 002299, River Boyne and River Blackwater SPA 004232, Dundalk

Bay SAC 000455 and Dundalk Bay SPA 004026, 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 which fall within the competence of An Bord Pleanála as amended and subject to and in compliance with conditions there is no reasonable doubt as to the absence of adverse effects. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the River Boyne and River Blackwater SAC 002299, River Boyne and River Blackwater SPA 004232, Dundalk Bay SAC 000455 and Dundalk Bay SPA 004026
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Boyne and River Blackwater SAC 002299, River Boyne and River Blackwater SPA 004232, Dundalk Bay SAC 000455 and Dundalk Bay SPA 004026
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Boyne and River Blackwater SAC 002299, River Boyne and River Blackwater SPA 004232, Dundalk Bay SAC 000455 and Dundalk Bay SPA 004026

Inspector: _____

Date: 29/01/2025