



## Board Direction

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**Ref: VA0015**

Following meetings of the Strategic Infrastructure Division held on 26<sup>th</sup> February 2014, on 5<sup>th</sup>, 12<sup>th</sup> and 25<sup>th</sup> March 2014 and on 3<sup>rd</sup> April 2014, the Board considered:

- (a) the objections made to the proposed development,
- (b) the report of the Inspector, who held the oral hearing, and
- (c) the documents and submissions on file generally.

The Board decided, unanimously, to approve the proposed development in accordance with the reasons, considerations and conditions set out below.

The Board also determined costs, as set out in the schedule hereunder.

### REASONS AND CONSIDERATIONS

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

- (a) the provisions of the National Spatial Strategy for Ireland 2002 - 2020, which seek to strengthen energy networks in the regions,
- (b) the provisions of the Government White Paper 'Delivering a Sustainable Energy Future for Ireland - the Energy Policy Framework, 2007 - 2020',
- (c) the provisions of the "Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure" issued by the Department of Communications, Energy and Natural Resources (2010),
- (d) the provisions of GRID25, EirGrid's transmission network development policy,
- (e) the provisions of the Regional Planning Guidelines 2010 - 2022 for the Midland Region, and of the Regional Planning Guidelines for the South-East Region 2010 – 2022,
- (f) the provisions of the Laois County Development Plan 2011 – 2017 and of the Kilkenny County Development Plan 2008 - 2014,
- (g) European Union and national guidance on electro-magnetic field strength,

- (h) the regional importance of and demonstrated need for the proposed development in strengthening the electricity network in the region, including that of Counties Laois, Kildare and, in particular, Kilkenny, and which would provide enhanced security of electricity supply, would avoid a prospective deficit in the quality and capacity of electricity supply in the region, and would support future economic growth,
- (i) the design of the proposed development, which would provide access to bulk electricity supply from the 400 kV network and would maximise the additional supply to the region, and which would optimise the use of existing assets and reduce the length of new overhead line required,
- (j) the planning history and pattern of development in the area, including the existing Ballyragget to Kilkenny electricity line, permitted under planning register reference number P702/88,
- (k) the documentation submitted with the application, as amended by the further information submitted on 16<sup>th</sup> August 2013 in response to a request by An Bord Pleanála, including the Environmental Impact Statement, Appropriate Assessment Screening Statement and the Natura Impact Statement, as further amended by the documentation submitted at the oral hearing,
- (l) the range of mitigation measures set out in the documentation, and
- (m) the submissions on file, and the report of the Inspector who held the Oral Hearing.

The Board is satisfied that the information available on file is adequate to allow an environmental impact assessment and Appropriate Assessment to be completed.

Having regard to the nature, scale and location of the proposed development, the Appropriate Assessment Screening Statement and associated documentation, the submissions on file, including those from relevant Prescribed Bodies, and the Inspector's assessment, which is noted, the Board completed a screening exercise for Appropriate Assessment of the impacts of the proposed development on the River Nore Special Protection Area (site code 004233), Lisbigney Bog candidate Special Area of Conservation (site code 000869) and Ballyprior Grassland candidate Special Area of Conservation (site code 002256). The Board concluded that the proposed development, in itself or in combination with other plans or projects, would not be likely to have a significant effect on these European sites.

Having regard to the nature, scale and location of the proposed development, the Natura Impact Statement and associated documentation, the submissions on file, including those from relevant Prescribed Bodies, and the Inspector's assessment, which is noted, the Board completed an Appropriate Assessment of the potential impacts of the proposed development on the River Barrow and River Nore Special Area of Conservation (Site Code 002162). The Board concluded that, subject to the implementation of the identified mitigation measures, the proposed development, in itself or in combination with other plans or projects, would not adversely affect the integrity of the River Barrow and River Nore Special Area of Conservation, in view of the conservation objectives for this site.

Having regard to the nature, scale and location of the proposed development, the Environmental Impact Statement and supporting documentation submitted by the applicant, the submissions and documents on file generally, the public consultation undertaken, the alternatives proposed, the characteristics of the potential impacts arising, including the potential for cumulative impact, the detailed mitigation measures proposed, and the Inspector's assessment of environmental impacts, the Board completed an environmental impact assessment. The Board noted and generally adopted the Inspector's assessment of environmental impacts, with the exception of his assessment in relation to the potential for impact on public health, and concluded that the proposed development would not have significant adverse effects on the environment.

Taking all of the above into account, and having regard to the nature, scale and location of the proposed development, and to the demonstrated need for the development, it is considered that, subject to compliance with the conditions set out below, the proposed development:

- would be in accordance with national policies and guidance, and with regional and local development policies,
- would represent a benefit for this region by virtue of the enhancement of electricity supply,
- would not seriously injure the amenities of the area or of property in the vicinity,
- would not seriously injure the visual or recreational amenities of the area,
- would not seriously injure the ecology of the area, including bird life, protected species and habitats, and areas designated for environmental protection,
- would not give rise to water pollution, and would not affect drinking water supplies,
- would not adversely affect the hydrology or hydrogeology of the area,
- would not give rise to risk of or exacerbation of flooding,
- would not be prejudicial to public health,
- would not detract from the character or setting of features of architectural or archaeological heritage, and would not seriously detract from the cultural heritage of the area,
- would be acceptable in terms of traffic safety and convenience, and
- would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to seek further information from the applicant in relation to the electricity line between Ballyragget and Kilkenny, the Board examined the planning history of the existing electricity line, which was permitted as a 110 kV line and constructed accordingly. Although in operation at 38 kV, the Board considered that the proposal to uprate this line in accordance with its permitted voltage was reasonable.

In this regard, the Board also noted the Inspector's specific concerns in relation to the magnetic field arising from the proposed development; however, the Board had regard to the exposure guidelines set by the International Commission on Non-ionizing Radiation Protection (ICNIRP), and which, in 1998, identified a magnetic field reference level for the general public of 100  $\mu$ T (microtesla). This reference level applies to all exposure situations, including long-term exposure. It is noted that the ICNIRP carried out a review of these Guidelines in 2010, and increased the reference level for the general public to 200  $\mu$ T.

The Board was satisfied that the predicted magnetic fields arising from the proposed development at certain houses would be significantly lower, by orders of magnitude, than established ICNIRP reference levels, which are considered to provide an acceptable level of protection for the general public. In forming this view, the Board also had regard to the following publicly available documents:

- (i) the Opinion on Potential Health Effects of Exposure to Electromagnetic Fields (EMF) approved in 2013 by the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR),
- (ii) the European Council Recommendation on the Limitation of Exposure of the General Public to Electromagnetic Fields (1999/519/EC), which generally adopted the 1998 ICNIRP Guideline levels for magnetic fields,
- (iii) the "Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure" issued by the Department of Communications, Energy and Natural Resources (2012), which requires compliance with EMF exposure limits set in ICNIRP Guidelines and associated EU Recommendations,
- (iv) the conclusions of the Report of the Expert Group on the Health Effects of Electromagnetic Fields, issued by the Department of Communications, marine and Natural Resources (2007), and
- (v) the report of the Office of the Chief Scientific Adviser, "Review of Recent Investigations into the Possible Health Effects of Exposure to Electromagnetic Fields (EMF) from Power Lines", prepared in 2010 by the Dublin Institute for Advanced Studies.

Therefore, and notwithstanding the proposed increase in voltage of this line, the Board is satisfied that the resulting magnetic field exposure at houses would be far below that of established guidelines, and did not accept the Inspector's recommendation in relation to public health.

Taking all of the above into account, including the planning history of the existing line and the ICNIRP guidance in particular, the Board did not consider that any re-alignment of the existing power line would be necessary or appropriate.

Finally, the Board noted the Inspector's second concern in relation to the accuracy of the description of the proposed "uprate to the existing Ballyragget – Kilkenny 110 kV overhead line". The Board considered that the description as set out in the public notices is satisfactory. The Board noted that this section of existing line is already permitted at 110 kV and was constructed accordingly, and notwithstanding the current operational voltage, the Board is satisfied that the public would not have been misinformed in any material way as to the principal nature and extent of the proposed development, and that the rights of the public to participate in the planning, EIA and AA processes have not been infringed.

## **CONDITIONS**

1. (a) PlansPartic (incl. 16/08/13, oral hearing)
- (b) The Ballyragget to Coolnabacky 110 kV overhead line is to be supported by 133 double wooden polesets.

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

2. (a) The mitigation measures identified in the environmental impact statement, Natura impact statement, and associated documentation on file, shall be implemented in full, except as may be required to comply with the following conditions.
- (b) The construction of the proposed development shall be supervised by suitably qualified and experienced environmental personnel, to ensure that all environmental mitigation and monitoring measures are implemented in full.

**Reason:** In the interests of clarity and of environmental protection.

3. Prior to commencement of development, and following consultation with the National Parks and Wildlife Service, the following shall be submitted to and agreed in writing with the relevant planning authority:
  - (i) installation details for bird flight diverters,
  - (ii) details of pre-construction surveys for badgers, otters and bats,
  - (iii) in the event of these surveys identifying these species, measures for their protection shall be identified and incorporated into the construction management plan, and
  - (iv) reporting procedures for the above.

**Reason:** In the interest of safeguarding protected species and bird life.

4. Works in the vicinity of rivers and streams shall comply with the "Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites" issued by the Eastern Regional Fisheries Board.

**Reason:** In the interest of protecting aquatic ecology.

5. Rural WaterDrain

6. The proposed waste water treatment and disposal systems to serve the two substations shall be designed, constructed and maintained in accordance with the requirements of the 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses', issued by the Environmental Protection Agency (2010), and in accordance with the details set out in the documentation submitted by the applicant on file and at the oral hearing. Construction stage details of the measures for the collection and final disposal of waste water, shall be submitted to and agreed in writing with the relevant planning authority, prior to the commencement of development at each substation site.

**Reason:** In the interests of public health and the prevention of pollution.

7. The two substation sites shall be landscaped using only indigenous deciduous tree and hedging species. The proposed landscaping at the Ballyragget substation shall be supplemented by the dense planting of indigenous tree and hedging species along the entire northern boundary of the site.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, and in the interest of the visual amenity of the neighbouring cemetery.

8. All road surfaces, culverts, watercourses, verges and public lands shall be protected during construction, and in the event of any damage occurring as a result, shall be reinstated to the satisfaction of the relevant planning authority.

**Reason:** To ensure a satisfactory standard of development.

9. Prior to commencement of development, and following consultation with the Department of Arts, Heritage and the Gaeltacht, a methodology shall be submitted to and agreed in writing with the Relevant planning authority for the replacement of existing polesets that are situated in close proximity to existing archaeological features.

**Reason:** In the interest of the protection of archaeological features.

10. Arch B; (c) Particular care shall be taken in replacing polesets close to archaeological features.

11. CMP2 including hours of working; provision for prevention of spread of invasive species; (m) to include control of silt or other pollutants entering watercourses.

*Note:*

The Board noted the recommendation by Laois County Council that a condition in relation to community gain be attached; however, no particular reason to attach such a condition had been put forward, and no specific proposals had been identified by any party. The Board also noted that this does not preclude any voluntary agreement between the undertaker and the Council.

*Please circulate a copy of this Direction with the Board Order.*

### **SCHEDULE OF COSTS**

In accordance with section 182B of the Planning and Development Act 2000, as amended, the Board requires the following costs to be paid by the applicant:

To Laois County Council, being reasonable costs incurred in consideration of the application

€3,255

To Kilkenny County Council, being reasonable costs incurred in consideration of the application

€821

To:

- David Malone of Environmental Action Alliance Ireland  
- James Deegan MCC, and  
- Ratheniska, Timahoe & Spink Substation Action Group,  
as a contribution towards reasonable costs incurred in consideration of the application

nil

In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the reimbursement of fees by An Bord Pleanála to the applicant amounts to €9,602.

Board Member: \_\_\_\_\_ Date: 14<sup>th</sup> April 2014  
Fionna O' Regan