



An  
Bord  
Pleanála

**Board Direction**  
**BD-019676-25**  
**ABP-321599-25**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/05/2025.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to:-

- the nature, scale and extent of the proposed development,
- the characteristics of the entirety of the site and of the surrounding area,
- national, regional and local policy support, in particular:
  - (i) the National Planning Framework (2025),
  - (ii) the Policy Statement on the Security of Electricity Supply issued by the Department of the Environment, Climate and Communications in November, 2021,
  - (iii) the Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031,

- (iv) the Laois County Development Plan 2021-2027, and
- (v) the Portlaoise Local Area Plan 2024-2030,
- the likelihood for consequences on the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites, and given
- that the Board has performed its functions in a manner consistent with The Climate Action and Low Carbon Development Act 2015, as amended,

it is considered that the proposed development, subject to compliance with the conditions set out below, would comply with the provisions of the Laois County Development Plan 2021-2027, in particular with DM Standard NRE1 and the Portlaoise Local Area Plan 2024-2030, would not have an unacceptable impact on the landscape and the visual amenities of the area, would not have significant adverse impacts on the environment, and would not seriously injure the amenities of property in the vicinity. The proposed development would contribute to the resilience of the overall energy supply network. The proposed development would not adversely affect the River Barrow and River Nore Special Area of Conservation (site code: 002162) or any other European Site. Accordingly, the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development has the potential to have a significant effect on the River Barrow and River Nore Special Area of Conservation



(site code: 002162) and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is, therefore, required.

### **Appropriate Assessment**

Following an examination, analysis and evaluation of the Natura impact statement submitted with the application, including required mitigation and all associated documentation submitted, it is considered that adverse effects on the River Barrow and River Nore Special area of Conservation (site code: 002162) can be excluded in view of this site's conservation objectives and that no reasonable scientific doubt remains as to the absence of such effects.

### **Conditions**

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

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

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS) shall be implemented in full, to the written approval of the planning authority.

**Reason:** To protect the integrity of European Sites.

3. (a) All mitigation measures in relation to archaeology and cultural heritage as set out in Appendix C of the Planning and Environmental Considerations Report (RPS Group Limited dated September 2024)

shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.

- (b) A project archaeologist shall be appointed to oversee and advise on all aspects of the scheme from design, through inception to completion.
  - (i) The project archaeologist shall liaise with the National Monuments Service and the planning authority to agree in advance an overall strategy for archaeological works to be carried out both in advance of and in parallel with construction of the development.
  - (ii) This shall include the location, extent and method of demarcation for any Exclusion Zones around the external-most elements of vulnerable Heritage Assets that are to be preserved in situ (as identified in Appendix C of the Planning and Environmental Considerations Report).
  - (iii) This shall include the location and extent of any other protective measures such as ground protection matting that will be employed to protect vulnerable Heritage Assets (as identified in Appendix C of the Planning and Environmental Considerations Report) or potential sub-surface archaeological deposits.
- (c) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks and the implementation of agreed preservation in-situ measures associated with the development:
  - (i) the use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary,
  - (ii) should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of



archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation, which may include preservation in-situ or full archaeological excavation, and

- (iii) the developer shall facilitate the archaeologist in recording any remains identified.

Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service of the Department, shall be complied with by the developer.

- (d) The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Appendix C of the Planning and Environmental Considerations Report (RPS Group Limited dated September 2024) and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
- (e) The planning authority and the National Monuments Service of the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. 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.

4. A Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

**Reason:** In the interest of environmental protection.

5. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material.

**Reason:** In the interest of traffic safety and convenience.

**Board Member**



Tom Rabbette

**Date:** 15/05/2025