

An
Coimisiún
Pleanála

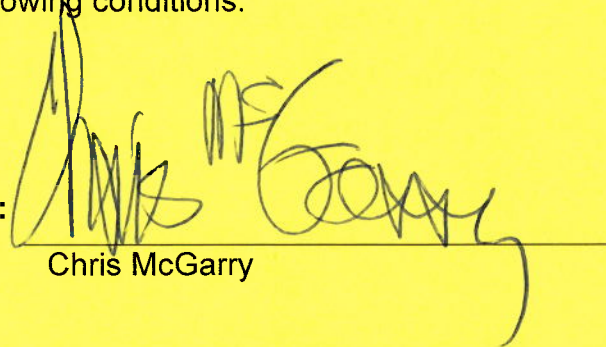
Direction
CD-020573-25
ABP-322078-25

The submissions on this file and the Inspector's report were considered at a meeting held on 29/08/2025.

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

Planning

Commissioner:


Chris McGarry

Date: 02/09/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

In performing its functions, the Commission made its decision consistent with:

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in

furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

The Commission also had regard to the following in coming to its decision:

(a) European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:

- **European Policy/Legislation** including:

- i. Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive);
- ii. Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive);
- iii. Directive 2000/60/EC (Water Framework Directive)

- **National Policy and Guidance** including:

- i. Project Ireland 2040 - National Planning Framework (2018);
- ii. National Development Plan (2021-2030);
- iii. The objectives and targets of the National Biodiversity Action Plan 2023-2030;
- iv. Long-term Strategy on Greenhouse Gas Emissions Reduction (2024);
- v. Policy Statement on Security of Electricity Supply (November 2021);
- vi. National Energy Security Framework (April 2022);
- vii. National Energy and Climate Action Plan (2021-2030);

- **Regional and Local Planning Policy**, including in particular:

- i. Regional Spatial and Economic Strategy for the Southern Region,
- ii. Kilkenny County Development Plan, 2021-2027,
- iii. Carlow County Development Plan, 2022-2028

(b) the location, nature, scale and extent of the proposed development,

(c) the documentation submitted with the application, including:

- the Environmental Impact Assessment Report,
- Natura Impact Statement, and

- accompanying reports including the outline Construction Environmental Management Plan,
- (d) mitigation measures proposed for construction and operation of the site,
- (e) The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development, and the absence of likely significant effects of the proposed development on European sites,
- (f) the submissions on file including those from third parties, prescribed bodies and the Planning Authorities, and
- (g) the Inspectors report and recommendation.

Appropriate Assessment:

The Commission considered the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the only European site in respect of which the proposed development has the potential to have a significant effect is the River Barrow and River Nore Special Area of Conservation (Site Code: 002162).

Appropriate Assessment – Stage 2

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the European Site, namely, the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), in view of the sites' conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually and in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the sites Conservation Objectives. In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the sites Conservation Objectives.

Environmental Impact Assessment:

The Commission completed an environmental impact assessment of the proposed development taking account of:

- (a) The nature, scale and location of the proposed development.
- (b) The Environmental Impact Assessment Report and associated documentation in support of the application for which approval is sought.
- (c) The submissions received during the course of the application.
- (d) The Inspector's report and recommendation.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives for the proposed development and identifies and describes adequately the direct, indirect and secondary and cumulative impacts of the proposed development on the environment. The Commission agreed with the examination set out in the Inspector's report of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the undertaker, and submissions made in the course of the application.

Having regard to the examination of environmental information contained above, and in particular to the Environmental Impact Assessment Report and other information provided by the undertaker, and the submissions from the planning authorities, prescribed bodies and observers during the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Short term adverse impact on **Population & Human Health** arising from the construction phase on residential amenity in terms of general disturbance, noise, dust and potential traffic disruptions on the public road network. Construction phase impacts will be mitigated by standard good construction practices. Diversions will be temporary in nature and appropriate traffic management arrangements will be put in place. A community liaison officer has been engaged as a point of contact during construction.
- Adverse impacts on **Biodiversity** from permanent habitat loss of 0.004 hectare of buildings and artificial surfaces, 150 metres of drainage ditches x Hedgerows mosaic 1.9 hectares of improved agricultural grassland and 44.43 metres of hedgerows. Compensatory and enhancement measures will result in a net gain of +25.57 metres of hedgerows which will take time to establish. Indirect residual effects in terms of dust arising during the construction phase will be short-term and a Water Quality Inspection & Monitoring Plan is to be agreed with the planning authority as part of the Construction Environmental Management Plan to protect the water environment.
- Adverse impacts on 1.6 hectares of agricultural **Land** due to permanent land take and temporary disturbance.
- Potential for adverse impacts on **ground water** in terms of groundwater flow and quality at unknown private water supplies and down gradient designated sites in terms of water quality. Risks to groundwater quality and associated receptors will be mitigated with the adoption of a Construction and Environmental Management Plan (CEMP).
- Potential for impacts on **surface water** quality during the construction phase due to run-off, spillages, accidental discharges or modifications. A Water

Quality Inspection & Monitoring Plan (WQIMP) will be agreed with the planning authority as part of the Construction Environmental Management Plan.

- Potential for residual effects in terms of **Air Quality** due to dust arising which will be short-term during the construction phase. Residual temporary noise impacts are likely to occur during the construction phase due to increased traffic and other activities.
- Adverse impacts on **Material Assets** in terms of:
 - Traffic and transport during the construction phase increased traffic, temporary road closures and diversions.
 - Crossing of the high-pressure gas pipeline will be mitigated by measures to ensure the protection of the pipeline and as dictated by Gas Networks Ireland.
 - Potential effects on Shankill GWS infrastructure are minimised in the amended construction access proposal submitted by the applicant, which removes heavy goods traffic from the L66732.
 - Positive impacts on material assets through the improvement of the electricity infrastructure in the region once the proposed development is operational.
- Adverse impacts on **Cultural Heritage** in terms of potential undiscovered archaeological materials during the construction phase. Best practice mitigation and monitoring of ground works proposed. Buffer zone of 25 meters to be applied around the site of the possible burnt spread as revealed in the geophysical survey to ensure its protection.

A likely long-term, reversible and:

- slight residual operational phase visual effect on one number recorded monument (RMP KK016-006: linear earthwork).
- not significant residual operational phase visual effect on the additional 17 number Recorded Monuments within one kilometre of the electricity substation.

- imperceptible residual operational phase noise effect on the archaeological resource.

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, National, Regional and Local planning and related policy, would be consistent with the relevant provisions of the Climate Action Plan 2024 and Climate Action Plan 2025 and would make a positive contribution towards Ireland's renewable energy and security of energy supply requirements. The proposed development will provide additional electricity transmission and distribution grid infrastructure, to support the growth of renewable energy and to support security of electricity supply, which is approved in the Government Policy Statement on Security of Electricity Supply, November 2021. Furthermore, the proposed development would not have a significant impact on the water environment, including public water supply resources, nor have an unacceptable impact on the character of the landscape or archaeological heritage, would not have a significant impact on ecology, nor seriously injure the visual and residential amenities of the area, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, lodged with the application to An Coimisiún Pleanála on the 18th day of March 2025 and the applicants response to submissions to the proposed development received by the Commission on the

16th of July 2025 as it relates to the construction phase access to the substation site, 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 undertaker shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity and to protect the amenities of properties and sensitive receptors in the vicinity.

2. For the avoidance of doubt, the proposed widening of the road carriageway (L66732) by approximately 1.5 metres over a distance of approximately 130 metres, as set out in the application documentation as originally submitted, is not permitted,

Reason: In the interest of clarity.

3. The mitigation and monitoring measures set out in the Environmental Impact Assessment accompanying the application to the planning authority and other particulars submitted with the application and the applicant's response to submissions to the proposed development received by the Commission on the 16th of July, 2025, shall be implemented by the undertaker in full.

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

4. The mitigation and monitoring measures set out in the Natura Impact Statement accompanying the application to the planning authority and other particulars submitted with the application and the applicant's response to submissions to the proposed development received by the Commission on the 16th of July, 2025, shall be implemented by the undertaker in full.

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

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

Reason: In the interest of clarity.

6. A suitably qualified Project Ecological Clerk-of-Works and Licenced Ecologist shall be retained by the undertaker to undertake pre-construction surveys at the various project elements, including any river crossings, immediately prior to commencing work in order to check for the presence of protected species in the vicinity (incl. badgers, otters, nesting birds, bats & common lizard). The mitigation measures contained in Annex 1.9 of Volume II of the submitted Environmental Impact Assessment Report shall be implemented in their entirety. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record. Where necessary, the project ecologist shall have 'Cease Works' powers.

Reason: In the interest of nature conservation and the protection of ecology and wildlife in the area.

7. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authorities for such works in respect of both the construction and operation phases of the proposed development.
- (b) All works in the vicinity of watercourses shall be in accordance with the recommendations in Inland Fisheries Ireland's Guidance Document on Protection of Fisheries during Construction Works in and adjacent to Waters, 2016, shall be referred to in the Construction and Environmental Management Plan (CEMP) and shall be supervised by an Ecological Clerk of Works.
- (c) Surface water from the site shall not be permitted to drain onto the adjoining public road or adjoining properties.
- (d) The undertaker shall ensure that all soil and water quality related mitigation measures are implemented in full and monitored throughout the

life cycle of the construction works and monitored throughout the operational phase.

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

8. All road surfaces, culverts, watercourses, verges, and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authorities at the developer's expense. Prior to commencement of development, a road condition survey shall be carried out to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authorities prior to commencement of development.

Reason: In order to protect the road network.

9. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the planning authority, generally in accordance with the Preliminary Construction Environmental Management Plan and Construction Traffic Management Plan submitted with the application. The Construction Environmental Management Plan shall incorporate the following:
 - (a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise, dust and surface water management measures including appointment of a community liaison officer, construction hours and the management, transport and disposal of construction waste;
 - (b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period;
 - (c) traffic management and road safety procedures and measures for the duration of underground cabling works under public roads;
 - (d) an emergency response plan and

- (e) proposals in relation to public information and communication.

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

Reason: In the interest of environmental protection and orderly development.

10. The undertaker shall facilitate the archaeological appraisal of the site, and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the undertaker shall:

- (a) notify the relevant Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
 - (i) the nature and location of archaeological material on the site, and
 - (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Coimisiún Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

12. Prior to commencement of development, the undertaker shall lodge with the planning authority a bond of an insurance company, a cash deposit, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the undertaker or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory reinstatement of the site.

Schedule of Costs

In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is **€39,160**