

An  
Bord  
Pleanála

**Board Order**  
**ABP-318699-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 2360443**

**Appeal** by Patrick Prendergast of Higginstown, Kilkenny against the decision made on the 27<sup>th</sup> day of November 2023 by Kilkenny County Council to grant, subject to conditions, a permission to Brendan Allen, Planning Team Leader, on behalf of the ESB of 1 Dublin Airport Central, Cloghran, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The proposed development will consist of the completion of the partially constructed 38 kV OHL which forms part of the Kilkenny loop connection. The proposed development involves the construction of the 12 remaining poles (poles 12-23) and stringing with overhead lines, over a distance of approximately 2 kilometres and all associated works including temporary works required, all on lands which pass through the townlands of Cellarstown East, Higginstown, Eagleshill, Cellarstown West and Cellarstown Upper, Kilkenny.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to the policies and provisions following:

- (a) the National Planning Framework,
- (b) the Climate Action and Low Carbon Development (Amendment) Act 2021,
- (c) the Policy Statement on Security of Electricity Supply,
- (d) Climate Action Plan 2024,
- (e) the Regional Spatial and Economic Strategy for the Southern Region, and
- (f) the provisions of the Kilkenny County and City Development Plan 2021-2027,

the Board considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity and would otherwise be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application to the planning authority on the 5<sup>th</sup> day of October 2023, 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 developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, and groundworks associated with the development.
  - (a) The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.
  - (b) 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 National Monuments Service regarding appropriate mitigation which may include preservation in-situ or full archaeological excavation.

- (c) 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, shall be complied with by the developer.

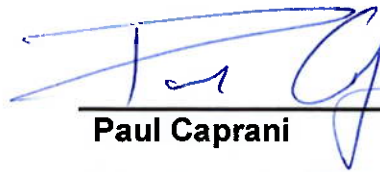
**Reason:** To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

3. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste and shall include appropriate traffic management proposals where work phases impact the public road network.

**Reason:** In the interest of public safety and amenity.

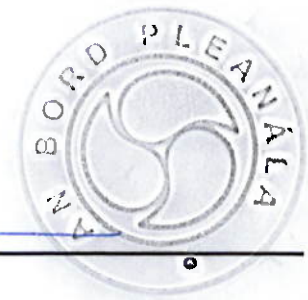
4. The developer shall ensure that the locations of all proposed pole sets comply with the minimum separation distances in relation to residential properties and water courses as set out under ESB Safety Guidelines and Code of Practices, and that locations along the public road network comply with the provisions of Transport Infrastructure Ireland Publication "Cross Sections and Headroom, DN-GEO-03036" May 2003. Details of any changes to pole set locations will be agreed with the planning authority.

**Reason:** In the interest of safety and protection of residential amenity and traffic safety.



**Paul Caprani**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**



**Dated this 12<sup>th</sup> day of November 2024.**