



An  
Bord  
Pleanála

## Board Order ABP-318799-24

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Laois County Council**

**Planning Register Reference Number: 22/764**

**Appeal** by Solus Developments Limited care of Stephen Maher Solicitors of 6 The Courts, Main Street, Newbridge, County Kildare against the decision made on the 7<sup>th</sup> day of December, 2023 by Laois County Council to grant permission subject to conditions to Eirgrid Plc care of WSP Ireland Consulting Limited of Town Centre House, Dublin Road, Naas, County Kildare.

**Proposed Development:** Works associated with the proposed uprate of the existing 110 kV line between structure AM106 in the townland of Bishopswood, County Offaly and the existing EM215 located at Portlaoise 110 kV substation in the townland of Clonminam, County Laois. The proposed development is approximately 21.6 kilometres long and comprises 112 number structures (made up of 90 number wooden polesets and 22 number steel masts). Approximately 20 kilometres of the existing circuit is located within the functional area of Laois County Council. The proposed development will comprise:•the replacement ("restringing") of the existing overhead line circuit conductor and wires with new higher capacity conductor wires including installation of a new fibre communication connection;• the replacement of the existing earthwire with new earthwire between Structures 204 and 215;•the replacement of 46 number wooden polesets and four number steel masts - any replacement structures will be constructed at, or immediately adjacent to the existing

structures they will replace. They will be along the same alignment as existing, the height difference will be up to four metres and they will be of a generally similar appearance, unless otherwise stated;• the replacement of crossarms at 20 number wooden polesets;•the replacement of hardware and fittings such as suspension clamps, insulators, and vibration dampeners at all structures, as required;• the replacement of bar members at 10 number steel masts;• re-capping and remedial works for shear blocks at six number steel mast;• installation of bird flight diverters between Structures 111 and 113, and between Structures 204 and 215;• all associated site development works, including foundation upgrade works and strain assemblies;• all associated works within the Portlaoise 110 kV substation to accommodate the uprated 110 kV overhead line including uprating of the Portlaoise bay in Portlaoise 110 kV substation;• all associated temporary site development works to gain access to the existing structures including clearance of vegetation, disassembly and reassembly of gate posts/piers and removal and reinstatement of existing fencing; and•other temporary associated and ancillary development works required for the purpose of the uprate of the existing circuit, including temporary guard poles, construction compounds, the installation of silt traps, silt fences, stone tracks, ground protection mats and temporary watercourse crossings at Bracklone, Lea, Tirhogar, Rathmiles, Rathleash, Garryvacum, Ballybrittas, Emo Park, Cappakeel, Morett, Greath Heath, Ballydavis, Rathbrennan, Ballyclider, Ballymooney, Summerhill or Aghnaharna, Downs, Borris Little, Kylekiproe, Clonminam, County Laois.

## **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:

- (a) EU legislation including in particular: the provisions of Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which sets out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union, and the EU Renewable Energy Directive 2009/28/EC which aims to promote the use of renewable energy,
- (b) the National Planning Framework,
- (c) the Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012,
- (d) the National Energy and Climate Plan 2021-2030,
- (e) the requirement of the Board to perform its functions in a manner consistent with the Climate Action Plan 2024,
- (f) other national policy objectives on renewable energy and climate change,
- (g) the provisions of the Laois County Development Plan 2021-2027,
- (h) the nature, scale and design of the proposed development as set out in the planning application, existing permissions in the area, and the pattern of development in the vicinity,
- (i) other relevant guidance documents promoting the upgrading of national electrical infrastructure,
- (j) 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,
- (k) the report and recommendation of the Planning Inspector,
- (l) the submissions on the file, and
- (m) the documentation submitted with the application and the appeal,

it is considered that subject to compliance with the conditions set out below, the proposed upgrade works to the 110kV line would accord with European, national, regional and local planning and is acceptable in respect of its likely effects on the



environment and its likely consequences for the proper planning and sustainable development of the area.

### **Appropriate Assessment: Stage 1**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspectors report that the River Barrow and River Nore Special Area of Conservation (Site code: 002162) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

### **Appropriate Assessment: Stage 2:**

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, including those from prescribed bodies, and the Inspectors assessment. The Board completed an Appropriate Assessment of the implications of the proposed development for the affected European sites, namely the River Barrow and River Nore Special area of Conservation (Site Code: 002162) in view of the Sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

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

In completing the Appropriate Assessment, the Board 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 integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Board 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 and there is no reasonable scientific doubt remaining as to the absence of such effects.

### **Proper Planning and Sustainable Development and the Likely effects on the environment:**

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the policies set out in the current development plan for the area, would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the residential amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would not constitute a traffic hazard and would not interfere with the existing land uses in the area. The proposed development would, therefore, 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, 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.

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

3. The developer shall engage a suitably qualified archaeologist to monitor all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Service as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. 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.

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.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. 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.



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**Stephen Bohan**

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

Dated this *9<sup>th</sup>* day of *January* 2025