



An
Bord
Pleanála

Inspector's Report ABP-318799-24.

Development	112 structures associated with upgrading an existing 110kV overhead power line.
Location	Portlaoise to Portarlinton
Planning Authority	Laois County Council.
Planning Authority Reg. Ref.	22764.
Applicant	EirGrid Plc.
Type of Application	Appeal.
Planning Authority Decision	Grant with conditions
Type of Appeal	Third Party
Appellant	Solus Developments Ltd.
Observer	None
Date of Site Inspection	31 st October 2024.
Inspector	Philip Davis.

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1.0 Introduction

This appeal is against the decision of the planning authority to grant permission for the upgrading and replacement of an existing 21.6km long 110KV overhead line (OHL) running north from Portlaoise to close to Portarlinton. The proposed works commence within the Offaly County Council area (this was granted permission but not appealed). It crosses into County Laois over the boundary on the River Barrow east of Portarlinton and extends down to a substation in the southern end of Portlaoise town centre.

The grounds of appeal relate to the choice to not underground part of the line within Portlaoise. The line is owned by ESB Networks (ESBN), but the application is by EirGrid.

The application was accompanied by an NIS.

2.0 Site Location and Description

The appeal site follows the line of an existing 110kV overhead line (twin timber poles with steel lattice angle towers) which runs south from an angle tower section north-east of Portarlinton (this initial section is within County Offaly and is not part of the application), where it crosses the River Barrow and a dry section of the Mountmellick branch of the Grand Canal, crossing farmland and a golf course in open countryside for around 8km, before it turns in a south-westerly direction when it meets the R445 and M7 motorway for around 7 km.

At the eastern outskirts of Portlaoise it turns west at an angle tower, running for another kilometre over the southern extended suburbs of Portlaoise before entering a substation within a commercial area within the town.

The OHL runs through generally low lying countryside with a mix of intensive agriculture, regenerating boglands, some heath and conifer plantations, in addition to a golf course and urban edge developments. For approximately one third of its route, it follows the alignment of the M7 motorway.

3.0 Proposed Development

The proposed development consists of the replacement ('restringing') of the existing overhead line circuit with new higher capacity conductor wires, including the installation of a new fibre communication connection and the replacement of existing earth wire with new earthwire. The works also involve the replacement of 46 no. wooden polesets and 4 no. steel masts, at, or immediately adjacent to the existing structures, along the same alignment. Although it is stated that the capacity of the line will increase, there is no change to the existing voltage (110kV).

The application was submitted with an EIA Screening Report, and AA Screening Report and NIS, an Emergency Response Plan, and a Planning and Environmental Considerations Report, which included a construction methodology, CEMP, and Traffic Management Plan.

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to grant permission subject to 12 standard conditions.

4.2. Planning Authority Reports

4.2.1. Planning Reports

Two planning reports are on file, the second subsequent to a request for further information.

- The NIS is noted, and it is concluded that there would not be potential significant effects on the Natura 2000 network.
- EIA screening notes that only overhead power lines with a voltage of 220kv require EIAR. Concluded that EIA is not required.
- No planning history available – the line was believed to have been constructed in or around 1980.

- Notes conditions recommended by DAU – Iarnród Éireann has no objection in principle. No other response to consultations.
- Notes three objections.
- Notes policy set out in the Laois County Development Plan and the Portllington and Portlaoise LAP's. These set out a number of criteria applicants should address in siting power lines.
- Outlines the environmental (health, climate, air, noise, material assets effects), plus cumulative effects, and is considered that they are not significant.
- The biodiversity and AA reports are assessed - it is considered that subject to mitigation there would not be major effects on any identified EU designated habitats.
- It is noted that some polesets will be up to 4 metres higher than the existing ones.
- It is concluded landscape and amenity impacts will be minimal.
- The Traffic Management Plan submitted is considered acceptable.
- The Planning Report noted the third party submission on undergrounding (the appellant to this appeal), and sent a further information request to the applicant to address the issues raised.

Following the request for FI, the applicant submitted a letter stating that a request for alteration of an existing circuit should be pursued through the existing Line Conflict Process, which is separate from the planning process. It requested that the planning authority grant permission in line with national policy and the interests of sustainable development.

- The second planners report stated that the applicant's response was acceptable and recommended a grant of permission without any substantial alteration by condition – 12 standard conditions were recommended.

4.2.2. Other Technical Reports

Water Services: No objection subject to standard conditions

Central Area Engineer: Requests to revise submission to include undergrounding in the vicinity of the R945 Portlaoise Southern Circular Road.

4.3. Prescribed Bodies

DAU: Requested standard archaeological condition.

Iarnrod Eireann: No objection.

4.4. Third Party Observations

Three submissions were made during the planning application:

John Mulhall of Solus Developments (the appellant to this appeal):

- Submits that there is an existing agreement over undergrounding the line as part of the Portlaoise Southern Circular Road extension.

Peter Sweetman on behalf of Wild Ireland Defence CLG

- States that the PA must ensure that all environmental aspects should be considered, and the proposed development should be assessed under the responsibilities imposed by the Water Framework and Habitats Directives.

Kate Tynan of Killenard:

- States that there is no wayleave for the poleset on her land and raised concerns over Health and Safety.

5.0 Planning History

There is no relevant planning history for the site on file. The planning authority states that the existing line was constructed around 1980, but no records exist for permissions at that time. The County Offaly section of the line was granted

permission with 6 no. conditions (all generally standard conditions) on the 4th May 2023 (**Offaly County Council Planning Ref: 2328**).

6.0 Policy Context

6.1. EU, national and regional planning policy

EU Renewable Energy Directive 2009/28/EC

Promotes and sets out legally binding targets for renewable energy.

European 2020 Strategy for Growth.

Sets out targets for renewables and greenhouse gas emissions.

EU 2030 Climate and Energy Framework

A longer-term framework than the above for cuts in greenhouse emissions and renewable energy.

EU Energy Roadmap 2050

Sets out differing options for achieving above mentioned goals.

European Green Deal

A set of proposals set out by the European Commission in December 2019 to make Europe the first climate neutral continent.

REPowerEU Plan

A recent EU Plan issued May 2022 with an objective to phase out Europe's dependency on Russian energy imports as a matter of urgency.

Climate Action and Low Carbon Development Act – Department of Communications, Climate action and Environment 2015:

This Act sets out a roadmap for Ireland's transition towards a low carbon economy and details mechanisms for the implementation of the National Mitigation Plan (NMP), published in July 2017. The aim of these mechanisms is to lower Ireland's level of greenhouse emissions. In addition, the Act requires a National (Climate Change) Adaptation Framework (NAF) to provide responses to changes caused by climate change.

National Adaptation Framework - Planning for a Climate Resilient Ireland -
Department of Communications, Climate Change and the Environment - 2024

Sets out Ireland's first statutory strategy for the application of adaptation measures in different Government sectors, including the Local Authorities. This 'NAF – Planning for a Climate Resilient Ireland' was published on 19 January 2018 and subsequently updated. The Framework aims to reduce the vulnerability of the State to the negative effects of climate change but also seeks to promote any positive effects that may occur.

National Mitigation Plan 2017 (updated January 2021)

Sets out a pathway to achieve deep decarbonisation in line with overall Government policy objectives and EU renewable Energy targets for 2030.

National Energy & Climate Plan 2021-2030

Sets out a detailed statutory set of targets for achieving a 51% reduction in CO₂ emissions with net zero at 2050.

Climate Action Plan (2024)

Sets targets for the proportion of renewable energy in the mix – up to 80% by 2030.

National Biodiversity Action Plan, 2022:

Sets out actions that a range of public and private sectors will undertake to achieve Ireland's 'Vision for Biodiversity'.

National Development Plan 2021-2030

As part of Project Ireland 32040 the NDP sets out an overall investment strategy and budget for the period to 2030. Policy NSO 8 addresses the need for development to be climate neutral and the need to build a climate resilient society by way of a co-ordinated programme of investment in grid scale renewable energy with associated electricity transmission networks.

National Planning Framework.

Sets out a number of objectives for achieving reductions in CO₂ emissions, specifically NPO 47 and NPO 55 with regard to renewable energy. National Policy Objective NPO 8 seeks to drive a transition towards a low carbon and climate resilient society. This policy objective will seek to drive investment choices to mirror goals set down within the National Mitigation Plan and National Adaptation

Framework incorporating a more renewable energy focused approach prioritising energy sources such as solar, wind and wave.

Eastern Midlands Regional Spatial and Economic Strategy 2019-2031

Sets out an integrated policy to enable the creation of sustainable regions with the capability to be resilient to future climate change. The Regional Policy Objectives (RPOs) contained in the RSES are designed to promote efficiencies in water and energy use and the move towards a low carbon economy. **RPO 7.31** requires Local Authorities to develop Climate Action Strategies (CAS) as well as local climate adaptation and mitigation strategies.

6.2. Development Plan

The proposed line runs through generally unzoned rural countryside. A section of the northern section is within the Portlaoise Local Area Plan 2018-2024 – this section is zoned industrial and warehousing. The southern part of the site is within the Portlaoise Local Area Plan 2018-2024 area, through areas zoned for Town Centre, Enterprise and investment and General Business.

Laois County Development Plan 2021-2027 - **Policy NRE 1** states that it is a policy objective to:

‘Support the reinforcement of the electricity transmission grid to improve energy supply to the county. Where strategic route corridors have been identified, the council will support the statutory providers of national grid infrastructure by safeguarding such corridors from encroachment provided these corridors do not have adverse impacts on residential amenity or the environment.

NRE 3:

Ensure the provision, where feasible, of electricity cables being located underground, especially in the urban environment, and generally within areas of public open space. Where undergrounding of cables is being pursued, proposals should demonstrate that environmental impacts including the following are minimised:

- *Habitat loss as a result of removal of field boundaries and hedgerows (right of way preparation) followed by topsoil stripping (to ensure machinery does not destroy soil structure and drainage properties);*
- *Short to medium term impacts on the landscape where, for example, hedgerows are encountered;*
- *Impacts on underground archaeology;*
- *Impacts on soil structure and drainage; and*
- *Impacts on surface waters as a result of sedimentation*

6.3. European Designated Sites and Natural Heritage Designations

The proposed OHL crosses the **River Barrow and River Nore SAC**, site code 002162, east of Portarlinton. It passes over, or is in close proximity, to a number of pNHA's, including Derries Wood (000416); the **Great Heath of Portlaoise** (000881) and the **Ridge of Portlaoise** (000876). The **Slieve Bloom Mountains SPA** (004160) is approximately 12km west of the route alignment.

7.0 The Appeal

7.1. Grounds of Appeal

The decision has been appealed by Solus Developments Limited, of Ballyroan, Portlaoise. The key points of the appeal are as follows:

- The appeal focuses on what is argued to be a series of agreements that the 110kV line would be run underground along the Portlaoise Southern Circular Road Extension (PSCRE) rather than (at present) crossing the appellants land in Kylekeproe townland, just west of the termination point at the electricity substation.
- It is submitted that when the PSCRE was constructed, ducting was provided by the Council for the express purpose of undergrounding the overhead electricity line.

- In reference to the FI response, it is argued that the Line Conflict Process is not appropriate to address this issue, as this is intended for new lines, not existing circuits. It is emphasised that the applicant does not wish to alter an existing circuit, but for EirGrid to amend the proposal in line with previous agreements.
- It is noted that the planning authority has a development objective to seek undergrounding of electrical apparatus where feasible.
- It is noted that EirGrid only met the appellants representatives on site three days before submitting its FI response, indicating that it was pre-determined that it would not route the cable underground.
- It is finally argued that it is inappropriate for a cable of this nature to be run overground within an urban area when there is a feasible alternative.

7.2. Applicants Response

- It is noted that the appellant does not object to the principle of development, and that the issue relates to the specifics of the final route within Portlaoise.
- It is noted that the line has been in place for several decades, as has the ESB Networks Portlaoise electricity transmission substation. As such, both the line and substation has long been part of the visual environment of this area. It is also noted that there are several other circuits crossing the area overground.
- It is denied that there was any long term intention that the circuit would be undergrounded.
- It is acknowledged that the Council 'may' have installed ducting under the PSCRE, but it is stated that if so, it was done without the knowledge or agreement of ESNB (the circuit is owned by ESB Networks (ESBN)) or EirGrid. It is stated that EirGrid have no record or knowledge of the specifications or design of any such ducting. It is stated that the applicant has sought to clarify if such ducting exists, but it is claimed that the Council have been unable to provide any clarity on the matter.

- It is suggested that this issue be addressed through the Line Conflicts Division. It is stated that to the knowledge of EirGrid, the applicants are engaging with this process.
- It is argued that the line is not unsightly or otherwise incongruous within the area as it has long been part of the overall visual environment of the area and forms an important element of the local electricity infrastructure.

7.3. Planning Authority Response

None on file.

7.4. Observations

No observations received.

7.5. Further Responses

No further responses on file.

8.0 EIA Screening

With regard to EIA, the applicant submitted a Screening Report which concluded that EIA was not required, and this was accepted by the planning authority.

Part 1 of Schedule 5 (projects requiring EIA):

Under Part 1 of Schedule 5, the applicable class for energy developments is **Class 2**:

- (a) A thermal power station or other combustion installation with a heat output of 300 megawatts or more.

Class 20 applies to:

Construction of overhead power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.

The proposed works do not involve a thermal power plant, and the line has a voltage of 110kV. As such neither class applies to the proposed development and therefore a mandatory EIA is not required.

Part 2 of Schedule 5 (projects which may require EIA – i.e. subthreshold)

3. Energy Industry:

(b) Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more.

The works, by way of its nature and scale and output does not come within any energy industry criteria as set out above. The proposed development does not involve thermal outputs, nor the use or storage of natural or combustible gases or other fossil fuels. However, the proposed development is for an 110kV overhead line and therefore must be considered as sub-threshold development

10. Infrastructure projects

(dd) All private roads which would exceed 2000 metres in length.

The proposed development does not require any significant length of new or upgraded roads.

13. Changes, extensions, development and testing

Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

(ii) (ii) result in an increase in size greater than –

- 25 per cent, or

- an amount equal to 50 per cent of the appropriate threshold,

whichever is the greater.

Characteristics of the proposed development

Schedule 7 sets out the criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to EIA. The characteristics of the development with regard to the criteria set out within Schedule 7 are attached in the tables in the appendix to this report. The applicant states that 7A does not apply as the probability of impacts on the receiving environment arising from the proposed project is considered to be low.

With regard to the location of the proposed development (Schedule 7(2)), the works are for the replacement of an existing line and has a nearly identical footprint in terms of visual and other impacts. The site is not close to any national border.

The EIA Screening submitted by the applicant addresses all the criteria set out within Schedule 7 of the 2001 Regulations, as amended. It concludes with regard to sub-threshold development that:

The Proposed development does not fall under projects listed in Schedule 5 Part 1 or Schedule 5 Part 2. Therefore, a further assessment of whether a subthreshold project is likely to have a significant impact on the environment (having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations as amended 2001-2022 is not required.

I am satisfied that this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment. The Planning and Environmental Considerations Report submitted with the application addresses a variety of environmental issues and assesses the impact of the proposed development in addition to cumulative impacts with regard to other permitted developments in proximity to the site and demonstrates that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment.

Due to the size, nature and scale of the proposed development, as summarised in the EIA Screening attached to this report, I am further satisfied that under Part 2 of Schedule 5 of the regulations, class 3(b), 10(dd) and 13 do not apply.

Conclusions

I have assessed this Screening with regard to publicly available sources of information on the local environment and my observations during my site visit. I am

satisfied that the Screening has had full regard to the nature of the site and the surrounding area and represents an accurate assessment of the nature of the site. The site itself is grazing land with minimal environmental significance and the overall area is robust with no sensitive receptors nearby.

I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub-criteria having regard to the Schedule 7 information and all other submissions, and I have considered all information which accompanied the application including the Environmental Report, associated documents and all plans and particulars and other related reports submitted with the application, in addition to my observations of the nature of the site and local area made during my site visit.

The EIA screening report prepared by the applicant under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that this report is comprehensive and satisfies regulatory requirements in accordance with the criteria set out in the Regulations. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

I conclude that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment and do not require an EIAR. The proposed development does not have the potential to have effects of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility.

In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

9.0 Assessment

Having inspected the site and reviewed the file documentation and submissions, I consider that the appeal can be addressed under the following general headings:

- Preliminary issues
- Principle of development
- Appeal details.
- Visual and amenity considerations
- Construction and traffic
- Other issues
- Appropriate Assessment

9.1. Preliminary issues

This appeal primarily relates to the question of whether it is appropriate to underground the route for the final (Portlaoise) section of the line. Some of the issues raised relate to generally non-planning related matters, and as such S.34(13) of the Act applies – i.e. any decision by ABP does not overrule or preclude matters relating to ongoing legal proceedings or discussions through other processes, notably the Line Conflicts Resolution Process referred to by the applicant. Notwithstanding this, there is an overlap between the issue raised by the appellant and development plan policy objectives.

As such, I will address the overall application *de novo* below, with reference in subsection 9.3 below on the specific issues raised in the appeal.

The details of the application include a section in County Offaly (the section north of the Barrow River). It has been submitted as one application and all submitted details (including the NIS) address the line in its entirety. The section north of the Barrow, in Offaly, was granted permission by the planning authority with 6 no. conditions in May 2023 and was not appealed. For the sake of completeness, I will address the planning and environmental considerations for the entire stretch of line, but any final decision relates only to the section south of the Barrow, which forms the county boundary.

9.2. Principle of development

The proposed development is for the replacement of an existing overhead powerline, part of a necessary overhaul to a line in excess of 40 years old. There will be an uprating of the line capacity, but the overall voltage will not change. There are no proposed substantive changes to the route, although a number of poles will be up to 4 metres higher. The OHL largely follows existing infrastructure routes for much of its alignment, including the M7 motorway and R445.

The upgrading of existing lines to strengthen the national grid and facilitate more renewable energy is fully in line with European, National and Regional policy objectives. The development plan has a number of policies generally favourable towards improving existing infrastructure, with policy objective NRE 1 (quoted in section 6.2 above), specifically supporting the reinforcement of the electricity transmission grid to improve energy supply to the county. Policy NRE 3 does state that where feasible, electricity cables be located underground.

I would conclude on the above basis that the principle of the proposed development should be viewed favourably.

9.3. Appeal details

The appellant is seeking that the overhead line be undergrounded across the initial stretch east from the substation at Portlaoise, within the townland of Kylekiproe.

The relevant land is an area of undeveloped zoned land within the newly constructed Portlaoise Southern Circular Road Extension. The land is zoned M2 (Town Centre). There are currently three sets of poles within this landholding, all to be replaced within generally the existing locations. The appellant claims that there was an agreement/understanding that the line here would be undergrounded, presumably to facilitate further development of the lands, and that ducting was provided within the new road. The applicant has denied that any such agreement existed, and that there is no evidence from the Council that such ducting was provided.

There is no written evidence submitted that an agreement was made between Eirgrid or ESBN and the appellant with regard to undergrounding. Neither is there any clear evidence that ducting was provided under the road by the Council. This

does not preclude that there may have been a verbal agreement and the possibility that as a precautionary matter ducting was provided, but on the basis of the information submitted during the planning process and the current appeal, it seems unlikely to me that any legally binding agreement was made at that time, whatever may have been informally discussed. While it is also possible that ducting was provided, it seems clear that this was not with the technical agreement of the applicant or ESNB. The issue has apparently been submitted to the established Line Resolution process for disputed new electrical infrastructure.

With regard to the specifics of any agreement between the parties, I consider that Section 34(13) of the Act applies – any decision by the Board does not overrule or preclude legal action or agreements outside the statutory envelope of the planning process. Any agreed alteration of the route that may arise from the Resolution process would, however, likely require a revision to a planning permission if it is considered material. On this basis, I do not recommend that the Board alter the design of the line within the Portlaoise area.

I note that Policy Objective NRE 3 of the Laois CDP (quoted in section 6.2 above) states that it is an objective to '*Ensure the provision, where feasible, of electricity cables being located underground, especially in the urban environment, and generally within areas of public open space*'. The line passes through Town Centre zoned urban land, more or less parallel to the new link road. At the time of the original construction of the line, this would have been open farmland. The nature of the line is likely a significant limitation on the development potential of the land, and is somewhat unsightly, albeit it is only one of several such lines in the area as a number of circuits join the Portlaoise substation at this point. None appear to be undergrounded. There is therefore a policy objective which would arguably favour the overall submission of the appellant.

Notwithstanding this, as the line is long established along this route, I would not consider it reasonable to set such undergrounding by condition. The existing and proposed replacement are relatively small in impact compared to other lines in the area, including one line that more or less runs in parallel to the south. I therefore do not conclude that in the context of overall national, regional and local policy objectives that policy NR3 would result in a requirement to underground the line. I therefore do not recommend that either the proposed development be refused for

this reason or that a condition be set such that this section of the line be undergrounded.

If the Board is minded to grant permission it may wish to consider a condition such that subject to agreement with the planning authority, the section from the R426 to the substation be undergrounded if the Line Resolution process concludes that this is appropriate. However, I do not recommend this approach as the required alterations may be of such a scale that they would require a fresh planning application and AA screening.

9.4. Visual and amenity considerations

The proposed line follows the existing line, and it is proposed to replace a number of the masts (46 no. wooden polesets replaced out of 90 existing with 4 no. steel masts out of 22 to be replaced) on a more or less like for like basis, albeit some are up to 4 metres higher. The maximum height for any proposed pole or mast is 24.5 metres above the base.

There are a number of ancillary works included in the application, but I do not consider that these are material in visual or amenity terms. The construction compounds and haul routes will have a temporary impact and generally do not impact on any significant local amenities.

The applicant does not provide any visualisations, but there is a brief landscape impact assessment in the Planning and Environmental Considerations Report (PECR) dated December 2022 on file. This concludes that there would be no significant change from the existing line.

The overall landscape is typical of the Midlands – generally flat topography - with gentle undulations and some glacial ridges, with a range from around 60 metres AOD around the Barrow River to 120 metres at The Heath, just north-west of Portlaoise. The area is generally pasture with some tillage, with large fields bounded with ditches, hedges and treelines, with some areas of conifer plantation (often on cutaway bogs), with some heathland and low-quality grazing. The westernmost section of the site runs through the urban fringes of Portlaoise for around 4km, mostly following existing road alignments.

The project commences within the area of Offaly County Council, in flat open farmland c.1.5km north-east of Portarlington. An angletower marks the point the line changes course from its direct east-west orientation from the direction of Kildare Town to a south-west-south direction in the townland of Bishopswood in Offaly. For approximately 1 km, using 4 timber post sets, it descends gently in level to the valley of the River Barrow, where it turns in a more southerly direction at an angletower. This is an area of open farmland bounded by high hedges – the crossing point is not visible from publicly accessible areas. The line crosses over the Barrow and into County Laois where it gains a slight altitude as it rises above the level of the river. It passes the eastern fringes of Portarlington in an area characterised by warehouses and commercial units, and crosses over the former Mountmellick Branch of the Grand Canal (now dry) and the R420 at the edge of Portarlington's limits.

For a further 7 km it continues south, mostly on wooden polesets, crossing a series of ridges and depressions in an area characterized by small to mid-sized farms, a large golf course (the 'Heritage'), a network of minor third class roads, with the poles only being generally visible or intrusive on higher ground south of the golf course, where the line runs along a ridge of up to 118 metres AOD. Around half way along this section near the village of Pound Cross Roads, it is joined by a similar 110kV line – the two run parallel to each other for around 3km, across open flat lands with few scattered dwellings and farmhouses. This southern section is characterised by former peat bogs, now mostly regenerating with dense woodland and some conifer plantation. It is sparsely populated, with just a few houses along some minor country roads.

At the end of this section, near Clonemone townland, the route changes to a south-westerly direction at an angletower just south of the R445 (the former N7) close to junction 15 of the M7. The line now runs approximately 8km parallel to the R445 and M7 through an area of heath, woodland and farmland. The line alternates between the northern and southern side of the M7, which for most of this length is in a slight cutting with woodland on either side. The line is alternately partially hidden by the forest and woodland on either side of the motorway, but at times clearly visible from the R445 as it runs on a somewhat higher alignment, for some sections across open farmland. There are a number of angletowers along this section as the route changes orientation slightly a number of times as it crosses the motorway.

The route continues on a similar alignment from junction 16 on the M7, where the motorway takes a more southerly route to go around Portlaoise. From Rathbrennan townland, on the very easterly extent of Portlaoise town, the line runs on the same alignment across farmland south of the suburbs of Portlaoise. Near the Bloomfield Crossroads, where the N80 meets the R445, the line then starts running parallel to another 110kV line. Both have sharp turns west where they run largely parallel towards the Portlaoise southern suburbs. For the final 2 km of the alignment, the route runs across the southern fringe of Portlaoise across open farmland and urban fringe areas.

The route crosses a quarry at the townland of Summerhill, before entering the built-up area of the town just east of Portlaoise Retail Park. The route follows the north side of a modern link road – it crosses over the carparking fronting the retail park on three timber polesets. It then crosses the R426 as it leaves the town, before the final angle tower within the town, where it turns in a slightly southerly direction towards the Portlaoise substation at Kylekiproe, an area characterised by an extensive area of modern retailing, some open undeveloped land, in addition to the large substation, at which several 110kV and lower voltage circuits converge.

The alignment of the OHL does not intersect any scenic routes or run through protected landscapes. The main visual intrusion is in the area where it meets the substation south of Portlaoise, where it is part of a somewhat haphazard and unsightly conglomeration of circuits and associated electrical infrastructure. It is also highly prominent as it passes along the Portlaoise Retail Park. Although less visible, the polesets and line are clearly visible and moderately intrusive in the landscape along the M7/R445 corridor. In the area to the north, the landscape is generally more flat and robust and views are generally confined to where it crosses minor roads.

The planning authority considered that the overall impacts on the landscape would not be significant. The rise in height (up to a maximum of 4 metres for some sections), would have a slightly increased overall visual impact in some localised areas, but not to the extent that it would be considered significant. I concur with this conclusion – the existing line follows a route which generally minimises its overall impact and does not impact upon any tourist or particularly sensitive areas.

The construction activities will involve the creation of a number of temporary access tracks to individual polesets, along with associated construction infrastructure. The impact of these on the landscape would be localised and temporary.

The OHL generally avoids residential areas and individual dwellings along its route, so I would not anticipate direct amenity impacts from the proposed development.

There will be localised amenity impacts from construction, especially where accesses have to be provided across farmland – in some cases entering via existing farm access tracks. Controls on the construction works are set out in the CEMP, which provides for generally standard best practice methodologies for reducing noise, dust and other forms of disturbance and nuisance. I therefore conclude that there would be no significant impacts on residential amenity from the proposed works.

9.5. Construction and traffic

The applicants have included a full Construction Environmental Management Plan (CEMP) and a Traffic Management Plan (TMP) with the submission in addition to a Construction Methodology document which provides a general overview as to the types of construction work required.

The CEMP notes that the main sensitive site is the River Barrow and Nore SAC – one poleset is within the designated area, within a field of improved grassland. The line crosses over a number of water features (ditches and streams) and there are a total of 47 archaeological sites within 250 metres of the line, plus three protected structures, and one historic garden. The route overlies an aquifer of ‘moderate vulnerability’, with occasional pockets of more vulnerable or karstic areas. The route crosses close to a number of dwellings.

Five construction compounds will be required – these are listed in Table 6-2 of the CEMP and indicated on the attached plans. Four are existing hardstanding areas, one is within a disused quarry. Drawing no. N2P-70089780-D-ENV-0002 indicates the traffic accesses. The CEMP and TEMP set out a variety of standard control measures to minimise impacts during the works, in particular from traffic entering and leaving the works compounds and accessing the polesets. An Ecological Clerk of Works will be appointed to oversee the works. It is noted that while the line crosses areas of potential foraging habitat for bats, there are no proposals to

remove trees or for vegetation removal over and above normal trimming and cutting for line maintenance.

I will address the proposed measures with regard to Natura 2000 sites in more detail in the relevant section below, but in general I conclude that the CEMP and TMP as submitted address the key issues for construction and the works can be carried out without excessive impact on local amenities. I note that the planning authority considered the submitted details to be adequate and appropriate and did not set conditions over and above standard conditions for construction management and traffic controls.

9.6. Other issues

As the proposed development is almost entirely within the footprint of the existing line (the exception being some temporary access routes for construction), other impacts are relatively minor in relation to the baseline environmental impact of the overhead line.

Cultural heritage

There are no national monuments within the immediate environs of the line. The centre of Portarlinton is an ACA, but the line is not clearly visible from the designated area (it is around 700 metres at its closes). The PECCR identified 42 heritage assets within the overall catchment. The line is within the visual envelope of a number of protected structures and identified historic villages, but the visual impact is largely unchanged from the baseline and there are no proposed works that would directly impact upon historic structures. The DAU requested a standard archaeological condition for earthworks – I would recommend that the Board set such a condition if it is minded to grant permission.

Otherwise, I conclude that there are no significant impacts on cultural heritage.

Geology and hydrology

There are no proposed alterations to existing drainage arrangements. The submitted CEMP and related documents address the control of run-off during works. All works to existing polesets will be within or immediately adjacent to the existing structures. Some soil removal will be required for temporary haul routes – it is not anticipated that this will have any significant impacts on soils or geology along the

route. The route crosses a number of watercourses, but it is not proposed to temporarily or permanently alter these watercourses, although a number of field drains will require temporary bridging for construction access works. Having regard to the protection measures set out in the CEMP, Construction Methodology, and the PECR, I do not consider that any such alterations will result in significant negative impacts and the works would not have a material impact on the Water Framework Directive status of any waterbodies in the area.

I do not recommend any conditions over and above standard conditions for construction management and mitigation.

Biodiversity

The site runs across an SAC, with one poleset within the designated area. I will address the specifics of potential impacts in the Appropriate Assessment section below. Some tree pruning works will take place to facilitate line replacement, but it is not proposed to remove any mature trees that have the potential for bat roosting. The line runs along or close to some pNHA's most notably The Heath at Ballydavis – in the latter case the line runs along a treebelt next to the motorway and does not impact upon the heathland. For the most part, the line runs across farmland, golf courses and urban fringe lands, along with some regenerating cut bogs and the planted treebelt along the M7.

The CEMP includes measures to protect wildlife during construction works and to reduce the overall impact on protected species and biodiversity in general. I consider that these are acceptable and there is no requirement for specific conditions over and above standard construction management control measures.

Material assets

The overall works will protect and enhance the electricity grid in the region, and as such is in accordance with national policy with regard to the necessity to maintain and upgrade the national grid. The issue of undergrounding on the final phase (the grounds of appeal) is relevant to the development of the Town Centre zoned lands that are crossed by the line. If this section is maintained as an overground line, it will somewhat constrain development on the site, although as the route runs along the line of the link road, I do not consider that it precludes the development of these lands in line with the zoning designation.

Cumulative impacts.

The proposed development is part of a larger overall proposed upgrading of the line, starting in Newbridge, Co. Kildare and including a length within County Offaly (already granted permission, not appealed). The applicant also indicates that there are a number of other ongoing upgrade works with the electricity infrastructure in the area. I do not consider that there are specific cumulative issues arising from this or other proposed or permitted developments in the immediate area.

Development contributions

As the proposed development is an upgrade of an existing line it is not subject to development contributions in line with the adopted Scheme, or other contributions or bond requirements.

9.7. Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under Part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

The applicant has submitted a screening report for Appropriate Assessment as part of the planning application, dated December 2022, carried out by WSP Consultants. The applicant's stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development, the nature of the works, and identifies European sites within a possible zone of influence of the development. It includes a plan, Drawing No. N2P-70089780-D-ENV-0007 which shows the line in relation to European sites in the area. I note that the Screening document provided has some pages out of sequence, but all the original data and analysis is within the document so I consider it to be acceptable.

The applicants AA Screening Report concluded on the basis of an initial assessment of designated sites within 15km and those within hydraulic continuity of the route that it cannot be objectively concluded, at this stage, that significant adverse impacts to the following designated Natura 2000 sites will not occur:

- Slieve Bloom Mountains SPA (site code 004160)
- Mountmellick SAC (site code 002141).
- River Barrow and River Nore SAC (site code 002162)

- Ballyprior Grassland SAC (site code 002256)
- River Nore SPA (site code 004233)

9.7.1. Stage 1 Screening

The AA Stage 1 Screening Report describes the proposed development, its receiving environment and relevant European Sites in the zone of influence of the development. Sites are identified on the basis of a Source-Pathway-Receptor framework in addition to a 15km distance using a desktop study, data requests and a field survey.

There is one site potentially directly affected – the power lines oversail the River Barrow and River Nore SAC between structures 111 and 113 – structure 112 is 25 metres from the river on grassland and is within the SAC. Otherwise, there is significant distance between the line route and any other designated EU habitats.

Table 5.2 of the Screening outlines other projects or plans or activities with the potential for in-combination effects. It highlights three schemes in particular – the Laois-Kilkenny 110kV reinforcement project, the Great Island Kellis 220kV uprate and the Bracklone Substation project. Table 5-3 identifies other permitted developments in the area.

Four European designated sites are identified as within the potential Zone of Interest of the proposal. These are as follows:

Site	Distance and connectivity	Qualifying Interest	Screened In Y/N?
River Barrow and River Nore SAC (site code 002162)	Oversails/hydrologically connected. Construction works could impact on water quality and so associated qualifying interests.	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]	Y

		<p>Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>European dry heaths [4030]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnus incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twaite Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Trichomanes speciosum</i> (Killarney Fern) [1421]</p>	
Slieve Bloom Mountains SPA	8.5km to the west. No harrier activity on or close to the site.	Hen harrier	N

Mountmellick SAC (site code 002141).	<10km. Not hydraulically connected, so no potential impacts.	Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	N
Ballyprior Grassland SAC (site code 002256)	<10km. The site is within the Nore catchment and not hydraulically connected. No associated habitats on or close to the site.	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]	N
River Nore SPA (004233)	12km southwest. Not in hydraulic connection with the site. No known presence of Kingfisher on or close to the site.	Kingfisher	N

The Screening concluded that all sites except for the River Barrow and River Nore SAC (002162) could be screened out. The **Slieve Bloom Mountains SPA** (site code 004160) is an uplands area designated for hen harrier just over 8km at its closest from the site. There is no hydraulic continuity between the proposed development and the area through which the OHL runs and is not considered to be associated with breeding or foraging hen harrier. There are no identified adverse effects. The **Mountmellick SAC** (site code 002141) is a wetland habitat designated for the aquatic Desmoulin's Whorl Snail. This site is over 10km from the route and is not in hydraulic continuity so there are no identified adverse effects. **Ballyprior Grassland SAC** (site code 002256) is semi-dry grassland and scrubland within the Nore catchment. It is not hydraulically connected to the site and there is no associated grassland habitat identified along the route. The **River Nore SPA** (site code 004233) is designated for Kingfisher. This site is 12km to the south west, and

there is no record of kingfisher on or close to the site, or associated with this part of the River Barrow.

The Screening concluded that it can be objectively concluded, at this stage, that significant adverse impacts to the following designated Natura 2000 sites will not occur:

- Slieve Bloom Mountains SPA (site code 004160)
- Mountmellick SAC (site code 002141).
- Ballyprior Grassland SAC (site code 002256)
- River Nore SPA (site code 004233)

I am satisfied from my site visit and all information on file that the Screening submitted is in accordance with established guidelines and represents an accurate scientific assessment of effects. The proposed works involve the replacement of existing structures that have been in place for several decades and pre-date the Habitats Directive and associated national legislation and guidance. The works do not involve substantial changes to the footprint or overall impact of the existing line. The above sites are sufficiently distance from the site that indirect effects are not likely, and they are not in hydraulic continuity, and none of the qualifying interests are identified on the site. I am therefore satisfied that they can be screened out.

The Screening identified the likely significant effects on the **River Barrow and River Nore SAC** 002162 as being temporary disturbance of otter (if present); pollution causing a change to water quality and the hydrological regime effecting aquatic species; and pollution effects on the aquatic habitat and prey availability for otter. As the only works within the site are on structure 112, which is on improved grassland, it was concluded that there would be no disturbance from habitat loss and degradation, or temporary disturbance from excavation works.

I am satisfied that the conclusion is correct that the only pathway for effects on receptors is via water quality (overall aquatic habitat and prey species for the otter), and temporary disturbance of any otter presence.

Screening Determination

Therefore, in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended and having carried out screening for Appropriate Assessment of the proposed development, it was

concluded that it would be likely to have a significant effect on the **River Barrow and River Nore SAC** (002162). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites in light of their conservation objectives. The possibility of significant effects on **Slieve Bloom Mountains SPA** (site code 004160), **Mountmellick SAC** (site code 002141), **Ballyprior Grassland SAC** (site code 002256), and the **River Nore SPA** (site code 004233) have been screened out for the need for appropriate assessment.

Measures intended to reduce or avoid significant effects have not been considered in the screening process.

9.7.2. **Stage 2 – NIS**

The requirements of Article 6(3) as related to appropriate assessment of a project under Part XAB, sections 177AE of the Planning and Development Act (as amended) are considered fully in this section.

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of each site.

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with, or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the sites conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European Site before consent can be given.

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development individually or in combination with other plans or projects will have a significant effect on the following European site:

- River Barrow and River Nore SAC (002162)

The applicant submitted an NIS prepared by WSP consultants dated December 2022. This NIS included a comprehensive description of the proposed development and other relevant proposed/permitted developments in the area, the overall context for the application, and studies including a desk top study based on OS mapping, NPWS online datasets and literature and the National Biodiversity Data Centre. In addition, a field survey was carried out (details in Table 6-2) in accordance with the 2009 Guidance on Appropriate Assessment, BS5837 on Tree Surveys and on Chanin, P (2003 'Monitoring the Otter'; and NRA and Nature Scotland guidance on the otter, in addition to EirGrid guidance on Evidence Based Environmental Studies (full references are within the NIS). A walkover study took place in November 2021 and January 2022. A further specific walkover survey for otters was undertaken in July 2022 along the banks of the Barrow. The Habitat Survey Results are summarised in Table 6-2 of the NIS.

The NIS includes, in Section 6.5, a range of mitigation measures as set out in the CEMP and other application documents addressing measures to prevent unnecessary loss of habitat, disturbance to mammals and birds, and in particular, water control measures during construction, operation and decommissioning, to prevent contaminated run-off to Barrow River from works close to the designated area.

Having reviewed the documents, submissions and consultations, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the identified European sites alone, or in combination with other plans and projects.

Potential adverse effects

The NIS outlines the results of the surveys and sets out the potential adverse effects on the QI's of the SAC as follows:

- Pollution effects from construction on aquatic species
- Pollution effects on QI habitats
- Pollution effects on prey availability for otter
- Temporary disturbance to otter.

It is clarified that there are no QI's for the SAC within the site. The one poleset within the designated site is on improved grassland.

The potential adverse effects from spillage associated with works is considered to have low indirect potential due to the proximity of the water course to the works.

There are no identified direct effects from pollution or disturbance. The potential effects are on aquatic species within the river, i.e. the white clawed crayfish, sea lamprey, brook lamprey, river lamprey, twaite shad, Atlantic salmon and otter.

The survey identified no otter holts or resting up sites within 150 metres of the proposed development, but it is noted that as they are a mobile species, they could occupy some of the lands prior to works. Measures to address this are set out in Section 6.5 of the NIS.

Potential in-combination effects

Table 5-2 summarises other projects in the area which are considered of sufficient nature and scale that they could potentially contribute to overall effects. It is considered that due to their overall scale and the separation distance any such in-combination effects can be ruled out.

I note that other works are proposed further north and to the east as part of the overall line improvements (i.e. within Offaly and Kildare County Council areas), but these lines run generally through improved grassland and would have similar low impacts to the proposed development, so I am satisfied that there are no in-combination effects to consider.

Mitigation measures

Sections 6-5 to 6-8 sets out mitigation measures to avoid adverse effects on the qualifying interests of the SAC. Standard pollution prevention measures are set out in summary, with more detail set out in the submitted CEMP and associated

documents. Specific measures to manage non-QI habitats within the designated area are summarised in 6.5.13, this includes the sensitive management of turves and soil. It is noted that there are no identified otter holts within 150 metres of the site, but appropriate buffer zones will be put in place in line with NRA (2008) guidance. In the event that a holt is discovered within the buffer zone before the commencement of development, a derogation licence may be required from NPWS, although this eventuality is considered very unlikely as it is not considered optimal habitat for otters.

The CEMP will be the basis for mitigation measures, and an Environmental Manager and/or Ecological Clerk of Works will be employed and will be present on site during works that could impact upon the SAC. There will be a monitoring program of the works (details set out in section 6-8).

I conclude that these mitigation measures are in line with published best practice and will prevent adverse effects on the SAC.

Residual effects

No residual effects were identified in the NIS. On the basis of the information provided I am satisfied that no significant adverse residual impacts on the Conservation Objectives of the identified European site are likely to occur as a result of the proposed development, either independently or in combination with other plans or projects.

Conclusion

With regard to indirect effects on the aquatic habitats that are qualifying interests or provide feeding habitat for the otter and other identified vertebrates, I am satisfied that the standard best practice measures set out will address any potential impact from construction works. The section where there is some sensitivity – three polesets, one within the designated habitat, and two others on either side, is intensively worked agricultural land. The works are generally low in scale and impact and with the exception of some hedge removal to allow for access, there is no direct impact on ‘natural’ vegetation, and no direct impact on watercourses. I am satisfied that the measures set out in the CEMP addresses any potential run-off that may negatively impact upon the water quality or associated habitats of the Barrow River.

With regard to the otter, no holts or other evidence of presence was identified, but some sections of ditch/hedge close to the line could potentially be part of foraging habitat for this mammal. The proposed development involves relatively minor and temporary disturbance, and with appropriate buffer zones and pre-works surveys and monitoring during the works, any potential effect can be ruled out. I therefore concur with the conclusion of the NIS that adverse effects on the otter and other qualifying interests of the SAC can be ruled out with scientific confidence.

In this I have had specific regard to:

- The nature and scale of the works, and the presence of just one poleset within the designated habitat, on improved grassland
- The low level of other indirect effects or emissions from the operational aspects of the proposed development.
- Mitigation measures set out in the NIS and the associated CEMP.
- The measures set out in other proposed/permitted developments in the immediate area.

I conclude that the identified potential for effects on the Qualifying Interests of the River Barrow and River Nore SAC are by way of the potential for water quality deterioration in the main watercourse, which could indirectly impact on the QI habitats and the prey species for QI species. Additionally, there is the potential for direct disturbance of any otter that may use the area of grassland/ditch along the line of proposed works. I am satisfied that the measures set out in the CEMP and NIS are standard for such works and having regard to the nature of the site and the works I consider this to be reasonable and the conclusions of the NIS are correct.

I therefore concur with the conclusions of the NIS that there will be no adverse effects on the River Barrow and River Nore SAC. In coming to this conclusion, I have had specific regard to:

- The limited nature and scale of the works on what is largely intensively tilled land,
- The nature of the designated site along the overhead line,
- The mitigation measures set out in the documentation, and

- The measures set out in other proposed and permitted developments in the general area, specifically the other EirGrid upgrading works.

Integrity Test

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the River Barrow and River Nore SAC, site code 002162 in view of the Conservation Objectives of the site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

10.0 Recommendation

I recommend that the Board grant permission for the proposed development for the following reasons and considerations, subject to the conditions set out in Section 12 below.

11.0 Reasons and Considerations

- (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) Other national policy objectives on renewable energy and climate change,
 - (f) the provisions of the Laois County Development Plan 2021-2027,
- and also having regard to the following matters:

- (g) 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,
- (h) other relevant guidance documents promoting the upgrading of national electrical infrastructure;
- (i) 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,
- (j) the submissions and observations made to An Bord Pleanála in connection with the application,

It is considered that subject to the conditions set out below, the proposed upgrade works to the 110kV line would accord with European, national, regional and local planning and that it 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 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 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 Development Plan, 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.

12.0 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 NMS 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.

I confirm that the report represents my professional planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or tried to influence, directly or indirectly, the exercise of my professional judgment in an improper or inappropriate way.

Philip Davis
Senior Planning Inspector

4th December 2024