



An  
Bord  
Pleanála

## Inspector's Report ABP-321599-25

### Development

Refurbish 43(no.) electricity transmission towers along a c. 7.3 km section (length) of the Coolnabacky – Portlaoise 110 kV overhead line (OHL) and all associated works in Co. Laois. A Natura Impact Statement was submitted with the planning application.

### Location

Meelick, Money Upper, Rathleague, Hophall, Ballymooney, Money Lower, Dysart, Lamberton Demesne, Derry, Clonminam, Powelstown, Kylekiproe and Cappoley, and Esker, Co. Laois.

### Planning Authority

Laois County Council

### Planning Authority Reg. Ref.

24/60593

### Applicant(s)

Eirgrid Plc

### Type of Application

Permission

### Planning Authority Decision

Grant

### Type of Appeal

Third Party

**Appellant(s)** Solus Developments Ltd.

**Observer(s)** None

**Date of Site Inspection** 11/04/25

**Inspector** Paula Hanlon

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## **1.0 Site Location and Description**

- 1.1 The site (linear length c.7.3km) of the proposed development traverses a number of townlands within Co. Laois including Meelick, Money Upper, Rathleague, Hopall, Ballymooney, Money Lower, Dysart, Lamberton Demense, Derry, Clonminam, Powelstown, Kylekiproe, Cappoley and Esker.
- 1.2 This linear site encompasses the existing Coolnabacky-Portlaoise 110 kV OHL which was commissioned in 1974. It extends in a north west direction across lands located c.1.3 km north of the Coolnabacky 110 kV substation (at IMP105) and terminates at the Portlaoise 110 kV substation (at AM 146) located east of Parkside Shopping Centre at its northern most end. This immediate area (at the site's northernmost end) is typified by a number of overhead lines which converge into the 110kv Portlaoise substation.
- 1.3 The site is physically separated from town centre zoned lands via the Portlaoise Southern Circular Road Extension relief road located along the southern edge of Portlaoise town and at the site's northern most end. This relief road runs in an east-west orientation to the north of the site. The site overall generally crosses farmland and other rural areas, along with areas of artificial surface and a part of Portlaoise golf course. Established residential development adjoins the NW side of the site. There are a small number of residences in the rural area within the site's vicinity.
- 1.4 The 2(no) proposed temporary compounds are located within an existing farmyard in the townland of Esker and at the existing Portlaoise substation.
- 1.5 The site's topography is generally flat, lowlying lands with gentle undulations.

## **2.0 Proposed Development**

- 2.1. Refurbish 43 no. electricity transmission towers along a c. 7.3 km section (length) of the Coolnabacky – Portlaoise 110 kV overhead line (OHL) and all associated works.
- 2.2. The proposed refurbishment works to the existing OHL will vary from each of the existing electricity transmission towers and will comprise:
  - (i) Replacement ("restringing") of the existing OHL conductor wires with a higher capacity conductor;

- (ii) Installation of a new fibre communication connection between existing wooden intermediate poleset (IMP) 118 to existing angle mast (AM) 145 – so as to support protection, control and monitoring arrangements on the transmission system;
- (iii) Strengthening of 4(no.) existing angle masts (AMs) and associated foundations;
- (iv) Replacement of 26(no.) of the 37(no.) existing IMPs with similar structures, except for existing IMP105 to be upgraded to AM (AM105).

Replacements will be in situ or if required, immediately adjacent, and height will range from c. 0m to 2.7m higher, with no change in height in 19(no) existing IMPs and a maximal increase of c. 2.7m at existing IMP127;

- (v) Replacement of 1(no.) AM (AM145) with a Line Cable Interface Mast (LCIM) and removal of 1 (no.) AM (AM146);
- (vi) Replacement of crossarms at 12(no.) existing IMPs;
- (vii) Replacement of insulating and ancillary hardware at structures;
- (viii) All associated site development works along the OHL including vegetation clearance & management, disassembly & reassembly of gate posts/piers and removal & reinstatement of existing fencing, painting, installation of identification & information labels/notices, and ancillary works within the existing Portlaoise substation, necessary to facilitate the refurbishment works of the OHL;

[Approximately 140m of field boundary including hedgerows to be removed]  
and,

- (ix) Other temporary associated and ancillary site development works required for the proposed refurbishment works. These include the provision of a construction compound for a period of 6months, located at either Kylekiproe (within the existing Portlaoise substation) or Esker (on hardstand area within an existing farmyard), access routes, silt traps, silt fences, stone tracks, ground protection mats, infrastructure crossing support systems (e.g., guard poles and goal posts) and temporary watercourse crossings. Where required, an aerial catenary stringing system (ACSS) will be used to

facilitate stringing operations over major obstacles (e.g., national roads, rivers, etc.).

2.3. The proposed works are envisaged to take place during future outage seasons (March – November 2025/2026/2027), subject to permission, the availability of outages, and the progress of other projects in the region.

2.4. The application was accompanied by the following documentation of note:

- Planning and Environmental Considerations Report (PECR) prepared by RPS and associated appendices (Heritage & Archaeology, and Biodiversity).
- Appropriate Assessment (AA) Screening Report prepared by RPS.
- Natura Impact Statement (NIS) prepared by RPS.
- Environmental Impact Assessment (EIA) Screening prepared by RPS.
- Outline Construction Environmental Management Plan (CEMP) prepared by RPS.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

By Order dated 02 December 2024, Laois County Council issued a Notification of decision to grant planning permission subject to 13(no) conditions. The conditions were mainly standard, with specific conditions of note referenced within Section 3.2.3 below.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

A Planning Report dated 28/11/24 recommended a grant of permission, subject to 13 conditions. The decision of the PA is reflective of the recommendation set out within the planning report.

#### **3.2.2. Other Technical Reports**

Road Design Office: No objection subject to conditions [including the submission of a Traffic Management Plan and a requirement to repair any damage caused to roads/footpaths, drainage].

### 3.2.3. Conditions

I am generally satisfied that all conditions attached by the PA in its decision to grant permission are standard conditions insofar as they relate to the proposed development. The following conditions are of note:

- Condition 2 (requirement to comply with submitted plans and particulars and all recommendations and mitigation measures set out within NIS and Planning and Environmental Considerations Report).
- Condition 5 (Requirement on External Lighting)
- Conditions 12 (Requirement for submission of a Traffic Management Plan).

Consideration will be given to the attachment of these conditions within my assessment below [Refer Section 7].

### 3.3. Prescribed Bodies

- Department of Housing, Local Government and Heritage (DHLGH): No objection. Recommends that archaeological conditions be attached in the event of a grant of permission.
- Uisce Eireann (UE): No objection in principle. UE standard conditions are outlined.

### 3.4. Third Party Observations

The PA received 2(no) third-party submissions during the course of its determination. The matters raised in one submission relate to the need to underground the OHL and are akin to matters raised within the appeal submission. A second submission raised the matter of appropriate assessment in regard to likely effects of the proposed development on the River Barrow and Nore SAC.



## 4.0 Planning History

- The proposed refurbishment works relate to the Coolnabacky - Portlaoise 110 kV OHL which was commissioned in 1974.
- Pl. Ref. 10/180: Permission granted for an extension to existing control building, 2(no.) 110kV to MV transformers and bunds, 2(no.) 110kV transformer bays, 1(no.) 38kV end mast, new palisade gate in existing fence, new oil interceptor and associated site works.
- Pl. Ref. 15/190: Permission granted for an extension of time on permission granted under pl. ref. 10/180.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The Laois County Development Plan 2021-2027 which was adopted in January 2022 and the Portlaoise Local Area Plan 2024-2030 which became effective in February 2025, following the decision of the PA on this application are the relevant operative plans in this case.

5.1.2 Relevant CDP policies, objectives and standards which are of relevance to this assessment are set out within Chapter 3 Climate Action and Energy and include –

Policy Objective NRE 1: 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.

Policy Objective 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....

DM Standard DM NRE 1: Applicants shall ensure that planning applications involving the siting of power lines and other overhead cables fully consider the following:

i Impacts on the landscape, national monuments, archaeology and views of special amenity value. Where impacts are inevitable, mitigation measures to minimise such impact must be provided.

ii Impacts on Ecology – An ecological Impact assessment shall be submitted to inform the decision making process;

iii Development shall be consistent with best practice, with regard to siting and design.

DM TEL 2 Undergrounding and Concealing of Services: In new housing and in other forms of urban development, all services including E.S.B., telephone and television cables shall be

- Placed underground;
- Service Buildings or structures should be sited as unobtrusively as possible and must be screened;

Care should also be given to the treatment of maintenance boxes, electrical boxes and bin storage on facades so that such items are concealed as unobtrusively as possible.

5.1.3 The northern most end of the site is located within the functional area of the Portlaoise Local Area Plan 2024-2030. The lands within the functional area of the LAP were zoned as part of the making of the CDP, as adopted in 2022. The portion of the site which is located in the vicinity of the appellant's lands (Kylekiproe Td) is on lands zoned 'Transport and Utilities' (Portlaoise 110kv substation) with the objective 'to provide for the needs of all transport users and other utility providers; and 'Open Space & Amenity' as the line crosses adjacent lands in a SE direction. The objective for open space and amenity zoned lands is 'to preserve, provide for and improve active and passive recreational public & private open space'.

Utility structures are 'open for consideration' on 'Open Space and Amenity' zoned lands and deemed to be 'normally acceptable' on Transport and Utilities zoned lands.

Relevant policy and objective within the LAP is as follows:

Policy KI P8: Co-operate with and facilitate the work of national telecommunications, broadband, electricity and gas network providers in the improvement, expansion and provision of energy and communication infrastructure subject to proper planning and sustainable development.

Objective KI O11: Facilitate, promote and encourage the expansion and improvement of telecommunications, broadband, electricity and gas networks infrastructure subject to proper planning and sustainable development.

## **5.2. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031 (RSES)**

The following regional policy objectives are noted within the RSES:

RPO 10.20: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region...

RPO 10.22: Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/distribution of a renewable energy focused generation across the major demand centres to support an island population of 8 million people...

## **5.3. National Planning Framework**

The NPF establishes the fundamental national objective of achieving a transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050.

National Strategic Outcome 8 seeks a transition to a low carbon and climate resilient economy.

## **5.4. The Climate Action Plan 2025 (CAP25)**

The Climate Action Plan 2025 (CAP25) which was approved by Government in recent weeks sets out the roadmap to deliver on Ireland's climate ambition. It aligns with the

legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government. CAP25 builds upon CAP24 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and should be read in conjunction with Climate Action Plan 2024

It reaffirms the previous commitment to halve Ireland's emissions by 2030 and reach net zero by no later than 2050, as committed to in the Climate Action & Low Carbon Act 2015 (as amended) (The Climate Act). It makes reference to the draft revised NPF which includes policy support for the development and upgrading of electricity grid infrastructure and the delivery of renewable electricity generation capacity. CAP25 also underlines the important role the planning regime will play in developing Ireland's renewable energy capacity.

#### 5.5. Climate Action & Low Carbon 2015 (as amended) (The Climate Act)

The Climate Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade.

Section 15 of the Climate Act sets out that;

- (1) A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—
  - (a) the most recent approved climate action plan,
  - (b) the most recent approved national long term climate action strategy,
  - (c) the most recent approved national adaptation framework and approved sectoral adaptation plans,
  - (d) the furtherance of the national climate objective, and
  - (e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

An Bord Pleanála is a relevant body for the purposes of the Climate Act. As a result, the obligation of the Board is to make all decisions in a manner that is **consistent with** the Climate Act.

## **5.6. Energy Security in Ireland to 2030, Energy Security Package, Nov. 2023**

The document confirms that Ireland's future energy will be secured by moving to an electricity-led system maximising our renewable energy potential.

## **5.7. Policy Statement on Security of Electricity Supply, November 2021**

This statement provides that the Programme for Government requires a 51% reduction in greenhouse gas emissions by 2030 and that 80% of electricity consumption will come from renewable sources by 2030. Ensuring energy security is a national priority, as the electricity system decarbonises towards net zero emissions.

The challenges to ensuring security of electricity supply are stated to include:

- ensuring adequate electricity generation capacity, storage, grid infrastructure, interconnection and system services are put in place to meet demand – including at periods of peak demand; and
- developing grid infrastructure and operating the electricity system in a safe and reliable manner.

The Policy Statement states that the Government recognises that:

- ensuring security of electricity supply continues to be a national priority as the electricity system decarbonises towards net zero emissions;
- there is a need for very significant investment in additional flexible conventional electricity generation, electricity grid infrastructure, interconnection and storage in order to ensure security of electricity supply.

## **5.8. National Biodiversity Action Plan 2023 – 2030 (NBAP)**

Ireland's 4th NBAP sets the biodiversity agenda for the period 2023 – 2030. The NBAP has a list of Objectives which promotes biodiversity as follows;

- Objective 1: Adopt a whole of government, whole of society approach to biodiversity;
- Objective 2: Meet urgent conservation and restoration needs;
- Objective 3: Secure nature's contribution to people;
- Objective 4: Enhance the evidence base for action on biodiversity;

- Objective 5: Strengthen Irelands contribution to international biodiversity initiatives.

The Wildlife (Amendment) Act 2023 provides that every public body, as listed in the Act, is obliged to have regard to the objectives and targets in the NBAP.

## **5.9. Natural Heritage Designations**

The site is not located within any European Site. The nearest European sites are Ballyprior Grassland SAC (002256), located c.4.8km SE of the site and the River Barrow and River Nore SAC (002162) located c. 4.9 km at its nearest point to the NE of the subject site at its southern extent.

The proposed development site crosses the Ridge of Portlaoise pNHA (00087), east of Portlaoise Golf Club and includes IMP140 within the pNHA.

## **5.10. EIA Screening**

I refer the Board to completed Form 1 and Form 3 which is appended to this report. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The preparation and submission of an Environmental Impact Assessment report (EIA) therefore is not required.

## **6.0 The Appeal (Third Party)**

A third-party appeal, made by Solus Development Ltd. was received on 06 January 2025. A summary of the grounds of appeal is set out within Section 6.1 below.

### **6.1. Grounds of Appeal**

- The appellant contends that a substantial part of the subject 110kv line passes lands within his ownership at Kylekiproe Td. and expresses concern of the impact of these works on his lands which are zoned town centre and as such are clearly marked for urban development. Given this, the appellant is opposed to the upgrade works which would result in the continual provision of OHLs at this location.
- It is argued that the OHL should be undergrounded for a number of reasons. The applicant provides no justification for the provision of an OHL as opposed to undergrounding the line at this location.
- The proposed development's compliance with provisions of the CDP is queried.
- The appellant is of the view that the proposed upgrading works would perpetuate an existing undesirable situation, inconsistent with proper planning and development of the town centre zoned lands, which adjoin the relief road.
- The appellant contends that a preferable alternative with low cost is available (undergrounding) with existing ducting in-situ.
- There is raised concern on the visual impact in an urban area arising from the proposal and that it would impede the development of town centre zoned land.

### **6.2. Applicant Response**

A summary of the applicant's response (04/02/25) to the grounds of appeal is as follows:

- The applicant requests that the appeal be dismissed, having regard to Section 138(1) PDA as it is vexatious, frivolous and without substance or foundation.
- The proposed development is of strategic importance to the State, as part of the national strategic electricity transmission infrastructure network.

- The appeal relates solely to the appellant's landholding, however the existing infrastructure to which the proposed development relates is not on, or anywhere near the appellant's landholding.
- The applicant contends that the appeal was submitted in order to seek to create commercial advantage relating to entirely separate existing electricity infrastructure on the appellant's landholding, sought to be removed.
- Case reference ABP-318799-24 forms a clear precedent and should be considered by the Board in determining this appeal.
- The proposed development is a key element of grid infrastructure improvement in this region and is necessary to ensure its continued efficient operation as part of the critical electricity infrastructure serving Portlaoise and the wider eastern and midlands region.
- The PA considered all matters and carefully assessed the proposed development prior to making its decision to grant permission.
- The subject OHL was never suggested to be undergrounded and ducting installation along its orientation was not carried out.
- A separate process exists for the diversion and/or undergrounding of existing electricity infrastructure.
- There is no conflict with the CDP provisions.
- The upgrading of the electricity transmission network is a critical element of national, regional and local planning policy for a secure and reliable grid to meet both CAP obligations, to foster economic development and to meet housing demand.
- The provision of a secure and reliable electricity supply is an objective of the CDP, RSES and the NPF.
- Reference made to the OHL as unsightly is incongruous given the clear and long-established visual context of electricity infrastructure and development context adjacent to a major electricity transmission node in this local vicinity. The appellant has provided no evidence or substance to the contention made on visual impact.



- The appeal is not based on grounds of proper planning and sustainable development as it does not consider the existing infrastructure as being part of the baseline receiving environment, and the incorporating of existing infrastructure for sustainability, which exists in many urban/suburban areas.

### **6.3. Planning Authority Response**

None received.

## **7.0 Assessment**

Having examined the application details and all other documentation on file, including the submission received in relation to this third-party appeal, the reports of the local authority, having visited the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this third-party appeal to be considered are as follows:

- Principle of Proposed Development
- Visual Impact
- Other/Procedural Matters.

Given that the nature of the appellant's raised concerns pertain to the northern most end of the site, I submit in the outset that the focus of my assessment will be based on this area. I will complete my assessment in respect of matters relating to the overall site, where required.

### **7.1. Principle of Proposed Development**

#### **7.1.1 Justification of Proposed Development**

The principle of the 110kv line which is the subject of this application has been long established (in excess of 50 years) within the subject linear site. It is one of several such lines in the general area of the northern most part of the site as a number of circuits converge at the 110kv Portlaoise substation.

The applicant clearly sets out within the application that the proposed refurbishment works to the existing OHL which will uprate capacity are necessary. There are no substantive changes sought to the OHL. The applicant has provided justification on

the necessity of the proposed works. The required works were identified within an ESB Networks Line Project Assessment Report (LPAR) (2016) which assessed the condition of the line and determined the extent of required works and uprate requirements so as to ensure the safe and secure operation of the electrical line. The proposal will strengthen the national grid and facilitate more renewable energy which is fully in line with European, National and Regional policy objectives. I am satisfied that the proposed refurbishment works have been justified by the applicant.

#### 7.1.2 Compliance with statutory plan provisions

##### Zoning

Given the nature and modest scale of the works proposed to the established OHL and which would not result in a loss of open space, I am satisfied that the proposal is consistent with the landuse zonings attached to the portion of the site, located in the functional area of Portlaoise LAP, subject to the development's compliance with the principles of proper planning and sustainable development, and the relevant provisions of the CDP and LAP. For clarity, I note that the remainder of the site is located on lands which are unzoned.

##### Refurbishment Works

The Council's local policy is generally supportive of the reinforcement of the electricity transmission grid (policy objective NRE1, CDP and policy KI P8, Portlaoise LAP).

I note that it is also a policy objective of the Council to ensure the provision, where feasible, of electricity cables being located underground, especially in the urban environment (policy objective NRE3). In examining the proposal at the site's northern most end, I note that the subject site where it connects into the 110kv Portlaoise substation are on agricultural lands. I am of the view that given the modest nature of the development works sought to the long-established transmission line, that the proposal would not result in change to the overall established character of the area or to the function and condition of the landscape.

In this context, I see no reason to seek a modification to the proposed design by way of requiring the undergrounding the subject OHL. Accordingly, I would argue that given the extent of works and the applicant's statutory mandate to ensure a safe, secure and reliable national grid, and in particular, to ensure a fit for purpose grid to meet National

CAP targets by 2030, that the undergrounding of this line is not feasible at this time. I therefore conclude that in the context of overall national, regional and local policy objectives that policy objective NRE3 would not result in a requirement to underground the subject line. Also, I am of the view that the intention of policy objective DMTEL2 as set out within the CDP relates to the undergrounding of services which are directly associated with new houses and urban development, and not to regionally important transmission infrastructure. For this reason, it is my view that the proposal does not fall under consideration of policy objective DM TEL2.

#### Availability of Underground Infrastructure (Ducting)

While the appellant has argued that existing ducting is in place that can facilitate the northern part of the proposed development, I note that the applicant contradicts the appellant's contention. The applicant confirms that any existing ducting within the public road adjacent to the appellant's landholding extends in an entirely different direction (generally west-east direction), however the subject line crosses lands in a generally southeasterly direction from the Portlaoise 110kv substation. I am therefore unconvinced that ducting installation is available to facilitate the subject Coolnabacky (Athy) – Portlaoise 110kv circuit due to its orientation.

On balance, I am satisfied that the principle of the proposed development is generally consistent with adopted policies and objectives, subject to its compliance with other planning considerations including visual impact, as applicable to this case and in accordance with the principles of proper planning and sustainable development.

#### 7.1.3 Impact(s) on Appellant's Lands

I have examined the appellant's submitted folio details which accompany the appeal submission. In doing so, I am satisfied that the appellant's landholding as shown, lies outside of the Coolnabacky – Portlaoise 110 kV OHL which is the subject line in this case.

The Portlaoise Southern Circular Road Extension (relief road) provides a physical divide between adjoining lands to the north and lands to the south of the relief road. The appellant's lands which are zoned 'Town Centre' lie to the north of this relief road. Additional lands which are in the appellant's ownership lie in two smaller parcels along the southern side of the relief road and are zoned 'Open Space and Amenity'.

For the purpose of providing clarity to the Board, notwithstanding that one of the two small parcels of the appellant's lands is not shown within the applicant's delineation of the appellant's landholding (fig 1 applicants appeal response), I note that the applicant's site layout map makes clear that the works sought would not encroach upon these lands.

I note to the Board that the existing 110kv OHLs which traverse the appellant's lands relate to two entirely separate electrical circuits, notably Newbridge-Portlaoise 110kv and Cushaling-Portlaoise 110kv which are on a separate orientation (east, southeast direction) and are not part of the subject application.

The subject electricity line which is the subject matter of this appeal, extends in a south-westward direction from Portlaoise 110kv substation and is SW of the appellant's lands. The nearest proposed works to the appellant's lands relate to an access route and the proposed removal of angle mast AM146.

Given the above, and the established site context, which forms part of a major electricity transmission node in this local vicinity, I am of the view that the proposed development would not give rise to any significant negative impact(s) on the appellant's lands, if permitted.

#### 7.1.4 Impact on Other Adjacent Lands

The subject Coolnabackey-Portlaoise 110kv line is wholly to the south of the Portlaoise Southern Circular Road Extension (relief road). All land which are zoned 'Town Centre' are to the north of this existing road, which itself provides a clearly defined physical boundary between the subject site and town centre zoned lands. For this reason and given that the works relate to an already established electricity circuit, I do not consider that the proposed works in themselves, will impede the future development of town centre zoned lands.

The subject OHL electrical circuit has been in-situ for over five decades. I am satisfied that the modest scale of the refurbishment works sought to this line would not encroach upon adjoining lands such that it would give rise to any additional significant negative impact, in terms of visual & amenity values and potential future use(s). I propose to examine the matter of visual amenity in more detail under a separate paragraph below.

## 7.2. Visual Amenity Impact

The Landscape Character Assessment for Co. Laois, provided within Map 11.7 of the CDP details that the overall subject site traverses 3 Landscape Character Areas, notably, 'Mountain, Hills and Upland Areas', 'Lowland Agricultural Areas' and 'Urban Fringe Areas'. The alignment of the OHL does not intersect any designated scenic routes.

The applicant's submitted PECR briefly examines the proposed development in the context of landscape and visual amenity, and I note that no visualisations accompany the application (reference Section 4.6, PECR). The applicant concludes that the replacement of existing angle masts and polesets with similar structures would result in scarcely any discernible change to the character of the surrounding landscape and therefore scoped out landscape character.

The appellant's concerns in respect of visual impact relate to the northern most end of the subject site which is within the designated 'Urban Fringe Landscape Character Area'. Having visited the site, I somewhat concur with the concerns expressed by the appellant in regard to the overall unsightly nature of existing OHLs. Notwithstanding, whilst I accept that the convergence of a number of overhead electrical lines into the Portlaoise 110kv substation is somewhat unsightly, it is important to highlight that the subject case relates solely to the proposed refurbishment works to the Coolnabacky – Portlaoise 110 kV overhead line.

In reviewing the nature of the works sought at the northern most end, which include the retention of IMP 144 (wooden poleset), replacement of AM145 with a Line Cable Interface Mast and the removal of AM146 and in noting that overall, there would be a maximal height increase of between c. 0m and 2.7m across the entire line, as proposed, I do not consider that the proposed refurbishment works are material in visual or amenity terms.

I am of the view that the impact arising from the subject Coolnabacky – Portlaoise 110 kV overhead line at this location is not in itself, visually intrusive and that the existing line and proposed works would result in a slight to imperceptible impact on visual amenities given the line's orientation (SE from Portlaoise substation), predominantly setback within the existing lands, and is substantially screened by established

development to the west and mature screen planting along adjoining field boundaries to the north and east. I wish to highlight that the adjoining OHLs do not form part of this case.

Furthermore, given the siting of the proposed construction compounds, notably within an established farmyard at Esker and at Portlaoise 110kv substation, I am satisfied that any perceived negative impact will be both temporary and negligible (at construction stage).

Also, in noting the orientation and proximity of residences and the modest nature of the refurbishment works, I am satisfied that any change arising from the proposed development to existing views from adjoining residences would be negligible.

Overall, on balance, I concur with the applicant that the proposed development would not have a significant negative impact on the existing character of the area and the visual amenities of the area.

### 7.3. Other Matters.

#### 7.3.1 Procedural Matters

In the outset, I wish to reiterate that whilst the proposed development does not encroach upon the appellant's lands, I am satisfied that the appellant's concerns are of substance and foundation. I therefore do not recommend that the appeal be dismissed having regard to Section 138(1) PDA, as requested by the applicant.

No written evidence has been provided by the appellant in respect of any agreements/understandings previously made between any statutory provider and the applicant in regard to the undergrounding of the subject line or in respect of existing ducting. I note that the applicant makes reference that recent consultation has commenced between the appellant and the ESB Line Conflicts Team. Such matters lie outside of the remit of the planning process. The applicant should be advised of section 34(13) of the Planning and Development Act, 2000, as amended, that a person is not entitled solely by reason of a permission to carry out any development.

Separately, I refer the Board to Case reference ABP-318799-24 which relates to a electricity circuit located in proximity to the Proposed Development and to the decision made on similar issues, as also raised by the appellant - Solus Developments Ltd.

### 7.3.2 Relevance of Conditions

I have reviewed the conditions attached by the PA in its decision to grant permission in this case. Accordingly, I am of the view that Condition 12 of the PA's decision, which requires that a Traffic Management Plan be submitted prior to the commencement of development for the PA's written approval is not required, given that traffic levels associated with the construction phase of the development are expected to be low, that no modifications to the public road networks are anticipated and that minimal traffic, if any will be generated at operational stage for maintenance purposes.

Furthermore, as no external lighting is sought as part of the submitted plans and whilst I note that artificial lighting may be required to accommodate night work at construction stage, I consider that Condition 5 of the PA's decision, with stated lighting requirements is not required to be attached to any grant of permission, in the event that the Board was minded to grant permission and that the matter can be addressed by way of compliance with best practice measures at construction stage.

Proposed construction hours as detailed within Section 3.5 of the submitted CEMP are sufficiently justified and appropriate in my opinion, and can be implemented without the requirement of a specific condition in respect of construction hours, as put forward by the PA in its decision to grant.

This assessment represents my de novo consideration of all planning issues material to the proposed development.

## 8.0 AA Screening

### 8.1 Appropriate Assessment Screening Determination (Stage 1)

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, including a Stage 1 AA screening report that accompanied the application, I conclude that the potential for significant effects on European Site(s), most notably the River Barrow and River Nore SAC with a hydrological connection to the overall site cannot

be excluded without further detailed assessment and therefore a Stage 2 Appropriate Assessment is required to be undertaken.

This determination is based on the site's location, and the potential for impacts on the qualifying interests of this SAC in terms of water quality and disturbance of mobile species. [Refer Appendix 3 appended to this report].

## 8.2 Appropriate Assessment Determination (Stage 2)

In screening the need for Appropriate Assessment, it was determined that the proposed development could potentially result in significant effects on the River Barrow and River Nore SAC in view of potential hydrological connectivity and given the conservation objectives of this site and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS, including required mitigation and all associated documentation submitted, I consider that adverse effects on the site integrity of the River Barrow and River Nore SAC can be excluded in view of this site's conservation objectives and that no reasonable scientific doubt remains as to the absence of such effects. [Refer Appendix 4 appended to this report].

## 9.0 Recommendation

It is recommended that permission be granted subject to conditions.

## 10.0 Reasons and Considerations

Having regard to:

- the nature, scale and extent of the proposed development,
- the characteristics of the entirety of the site and of the surrounding area,
- national, regional and local policy support, in particular:
  - National Planning Framework (2018),
  - Government Policy Statement on the Security of Electricity Supply (2021),



- Regional Spatial and Economic Strategy for the Eastern & Midland Region 2019-2031,

- Laois County Development Plan 2021-2027,

- Portlaoise Local Area Plan 2024-2030

- the likelihood for consequences on the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites

and given:

- that the Board has performed its functions in a manner consistent with The Climate Action and Low Carbon Development Act 2015 (as amended)

It is considered that the proposed development, subject to compliance with the conditions set out below, would be consistent with the provisions of the Laois County Development Plan 2021-2027, in particular with DM Standard NRE1 and the Portlaoise Local Area Plan 2024-2030, would not have an unacceptable impact on the landscape and the visual amenities of the area, would not have significant adverse impacts on the environment, and would not seriously injure the amenities of property in the vicinity. The proposed development would not have any likely significant effects on the River Barrow and River Nore SAC or any other European Site. Accordingly, the proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 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 in full, to the written approval of the Planning Authority.

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

3. (i) All mitigation measures in relation to archaeology and cultural heritage as set out in Appendix C of the PECR (Courtney Deery Heritage Consultancy Ltd; dated September 2024) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.  
(ii) A Project Archaeologist shall be appointed to oversee and advise on all aspects of the scheme from design, through inception to completion.
  - a. The Project Archaeologist shall liaise with the National Monuments Service of the Department and the Planning Authority to agree in advance an overall strategy for archaeological works to be carried out both in advance of and in parallel with construction of the development.
  - b. This shall include the location, extent and method of demarcation for any Exclusion Zones around the external-most elements of vulnerable Heritage Assets that are to be preserved in situ (as identified in Appendix C of the PECR).
  - c. This shall include the location and extent of any other protective measures such as ground protection matting that will be employed to protect vulnerable Heritage Assets (as identified in Appendix C of the PECR) or potential sub-surface archaeological deposits.
- (iii) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks and the implementation of agreed preservation in-situ measures associated with the development.
  - 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 the National Monuments Service of the Department, 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 of the Department, shall be complied with by the developer.

(iv) The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Appendix C of the PECR (Courtney Deery Heritage Consultancy Ltd; dated September 2024) and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

(v) The planning authority and the National Monuments Service of the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

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

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

emergency response planning, site environmental policy, and project roles and responsibilities.

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

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

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

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

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Paula Hanlon  
Planning Inspector

30 April 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	321599-25		
<b>Proposed Development</b> <b>Summary</b>	Refurbish 43 no. electricity transmission towers along a c. 7.3 km section (length) of the Coolnabackey – Portlaoise 110 kV overhead line (OHL) and all associated works. A NIS accompanied the planning application.		
<b>Development Address</b>	Meelick, Money Upper, Rathleague, Hophall, Ballymooney, Money Lower, Dysart, Lamberton Demesne, Derry, Clonminam, Powelstown, Kylekiproe and Cappoley, and Esker, Co. Laois.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>			Proceed to Q3.
<b>No</b>	X	Part 1 of Schedule 5 20 - Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres. The proposed overall development relates to the refurbishment of 43 no. electricity transmission towers along a c. 7.3 km section (length) of the Coolnabackey – Portlaoise 110 kV overhead line (OHL) and all associated works.	No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			

<b>Yes</b>	-		EIA Mandatory EIAR required
<b>No</b>	-		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	-		Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	X	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>	-	<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 2

### Form 3 - EIA Screening Determination

A. CASE DETAILS			
<b>An Bord Pleanála Case Reference</b>	321599		
<b>Development Summary</b>			
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>	
1. Was a Screening Determination carried out by the PA?	Yes	The Planner's report determined that EIA is not required having regard to nature, size and location of the proposed development.	
2. Has Schedule 7A information been submitted?	Yes		
3. Has an AA screening report or NIS been submitted?	Yes	A Screening for Appropriate Assessment Report and NIS accompanied this application.	
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No		
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA		Noted that a SEA and AA (NIS Report) were undertaken in respect of the Laois County Development Plan 2022-2027 and the Portlaoise Local Area Plan 2024-2030.	
<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b> (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	<b>Is this likely to result in significant effects on the environment?</b> <b>Yes/ No/ Uncertain</b>

		<b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	
<b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b>			
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)			
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding environment?	No	The proposed development is contained within the line of an already established electricity circuit. The modest scale of the refurbishment works sought are consistent with the established character of the area.	No
<b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	The implementation of the proposed mitigation measures set out within the PECR will ensure that there is no physical changes to the locality (topography, land use, waterbodies) and receiving environment. Any likely impact on soils, geology and groundwater will be minimised by applying sound design principles and by following good work practices as set out in the application submitted.	No
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No	Proposed works relate to the refurbishment of an existing electricity circuit. Construction materials will be typical for a development of this nature and scale.	No
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature. The implementation of standard construction practice measures	No



		outlined in the Outline CEMP would satisfactorily mitigate potential impacts. No impacts at operational stage in this regard are anticipated.	
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Some noise emissions and vibration during construction is likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Outline Construction Environmental Management Plan (OCEMP), the project would satisfactorily mitigate the potential impacts.</p> <p>Significant quantities of waste are not anticipated from the majority of the Proposed Development except for the steel tower/poleset replacements and other small quantities of waste (fixtures and fittings). The OCEMP details appropriate waste management measures to be implemented as part of the Proposed Development, in accordance with the Southern Region Waste Management Plan 2015-2021 and the Waste Action Plan for a Circular Economy published in 2020.</p> <p>No operational impacts in this regard are anticipated.</p>	No

<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	No, subject to implementation of measures detailed within the OCEMP at construction stage and implementation of mitigation measures provided within the NIS which relate to water quality.	No
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the OCEMP.	No
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	No	Construction activity may give rise to some dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the OCEMP satisfactorily address potential risks on human health. No significant operational impacts are anticipated.	No
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from construction works will be localised and temporary in nature.	No
<b>1.10</b> Will the project affect the social environment (population, employment)	No	The presence of an 110kv electricity circuit is long established on this site and the proposal is to undertake its refurbishment. It is on primarily rural land and lands zoned 'Transport and Utilities' (within existing Portlaoise 110kv substation) and 'Open Space & Amenity' in the northern area of the site and partially oversails a golf course.	No

1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Whilst there are several OHLs which converge on Portlaoise 110kv substation and within the vicinity of the site, there would be no cumulative effect (including visual and ecological) arising from the proposed development.	No
<b>2. Location of proposed development</b>			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> <li>• European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>• NHA/ pNHA</li> <li>• Designated Nature Reserve</li> <li>• Designated refuge for flora or fauna</li> <li>• Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	No	The nearest European sites are listed in Section 5.9 & Appendix 3 & 4 appended to this report. The proposed development partially crosses the Ridge of Portlaoise pNHA (00087), east of Portlaoise Golf Club and includes IMP140 within the pNHA. Given the nature and scale of the proposed development, it would not result in significant impacts to any protected site(s).	No
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	The proposed development would not result in significant impacts to protected, important or sensitive species, subject to implementation of mitigation measures set out in the NIS.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	There are a number of archaeological features within proximity to the site, [refer Table 4.2 PECR]. There are no national monuments or world heritage sites within the 100m buffer around the OHL. The attachment of a condition on archaeological requirements as put forward by the DHLGH	No

		in its submission will sufficiently address this matter.	
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	No the proposed development is primarily on rural lands and the works sought are to an already established electricity circuit.	No
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	The development would not increase risk of flooding to downstream areas. The nature and scale of the works sought would not give rise to significant levels of SW.	No
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No	-	No
<b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No		
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No		No
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	The subject line is already in-situ. Whilst there are a number of OHLs converging into Portlaoise 110kv substation, no existing or permitted developments (including these OHLs) have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	-	No

3.3 Are there any other relevant considerations?	No	-	No
<b>C. CONCLUSION</b>			
No real likelihood of significant effects on the environment.	Agreed	EIAR Not Required	
Real likelihood of significant effects on the environment.	-	-	
<b>D. MAIN REASONS AND CONSIDERATIONS</b>			
<b><i>EG - EIAR <u>not</u> Required</i></b>			
<p>Having regard to: -</p> <p>the criteria set out in Schedule 7, in particular</p> <ul style="list-style-type: none"> <li>(a) the nature and extent of the proposed development, including the voltage &amp; circuit length sought for the overall development proposed in a predominantly rural area and adjoining the urban area at the southern end of Portlaoise town</li> <li>(b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of any designated archaeological protection zone</li> <li>(c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)</li> <li>(d) the results of other relevant assessments of the effects on the environment submitted by the applicant including 'Report to inform Screening for Appropriate Assessment, Natura Impact Statement and Environmental Impact Assessment Screening Report</li> <li>(e) the mitigation measures put forward in the accompanying PECR / CEMP.</li> </ul> <p>The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.</p>			

Inspector \_\_\_\_\_  
Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_  
Date \_\_\_\_\_

## Screening for AA

### Finding of likely significant effects

#### Screening for Appropriate Assessment Test for likely significant effects

#### 1: Description of the project and local site characteristics

##### Case file: ABP 321599-25

<b>Brief description of project</b>	<p>Refurbish 43(no) electricity transmission towers of the Coolnabacky – Portlaoise 110 kV overhead line (OHL) and all associated works.</p> <p>110kv electricity circuit [7.3km in length] Third party appeal</p> <p>The proposed refurbishment works to the existing OHL will vary from each of the existing electricity transmission towers.</p> <p>A detailed description of the proposed development is provided in Section 2 of the Inspector's report and detailed specifications of the proposal are provided in the AA screening report/ NIS and other planning documents provided by the applicant.</p> <p>These works sought are located outside of any European site. The nearest European sites are Ballyprior Grassland SAC (002256), located c.4.8km SE of the site and the River Barrow and River Nore SAC (002162) located c. 4.9 km (as the crow flies) at its nearest point to the NE of the subject site at its southern extent.</p> <p>Site access would be undertaken by way of using the local public road network, and utilising private tracks or roads wherever possible on private lands.</p>
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The northern most end of the site is located on lands which are within the LAP plan boundary for Portlaoise. The overall site is predominantly in a rural location on predominantly low lying, greenfield lands with gentle undulations. The landuse associated with these lands is predominantly agricultural, however the site crosses a golf</p>

	course and connects into Portlaoise 110kv substation. Established residential development lies on some adjoining lands. The overall site area is not subject to an identified flood risk.
<b>Screening report</b>	Yes (Prepared by RPG Group)
<b>Natura Impact Statement</b>	Yes
<b>Relevant submissions</b>	A third party submission made at application stage raised the matter of appropriate assessment in regard to likely effects of the proposed development on the River Barrow and Nore SAC.
<b>[Additional information]: *where relevant and appropriate</b>	None

## 2. Identification of relevant European sites using the Source-pathway-receptor model

Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the applicant included both European sites in its screening consideration.

European Site (code)	Qualifying interests <sup>1</sup> (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Ballyprior Grassland SAC (002256)	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (*important orchid sites) [6210]  <a href="#">Ballyprior Grassland SAC   National Parks &amp; Wildlife Service</a>	c.4.8km	No	N
River Barrow and River Nore SAC (002162)	Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]  Hydrophilous tall herb fringe communities of	c.4.9km	Feasible impact on water quality and the associated QIs	Y

	<p>plains and of the montane to alpine levels [6430]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p><a href="#">River Barrow and River Nore SAC   National Parks &amp; Wildlife Service</a></p> <p>[Note: The above QI's relate solely to the QI's which are likely to be affected. There is no feasible pathway to other QIs of this SAC].</p>			
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I have attached link to site details which outlines the Conservation Objectives and qualifying interests of the above two listed European sites of relevance in this case, as provided by NPWS.

Ecological surveys (including habitat mapping) undertaken by the applicant are detailed within the submitted application.

### **3. Describe the likely effects of the of the project (if any, alone or in combination) on European Sites**

Ballyprior Grassland SAC (002256)



Given the nature and extent of works sought and the spatial separation distance, in excess of 4.8 kilometres, with no feasible hydrological connection, I conclude that the proposed development will not result in any direct or indirect effects on Ballyprior Grassland SAC, in view of its qualifying interests (refer table above) and its conservation objective - to restore the favourable conservation condition of semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (\* important orchid sites) in Ballyprior Grassland SAC, which is defined by a list of attributes and targets. Therefore, there is no likelihood of effects occurring on Ballyprior Grassland SAC, either alone or in-combination with other projects.

#### River Barrow and River Nore SAC (002162)

There is no direct pathway to this European site, given that the works are spatially separated a distance in excess of 4.9km (as the crow flies) from this SAC. The site is in close proximity to a number of streams, all of which eventually flow into the River Barrow & River Nore SAC. There is potential for ex-situ impacts on mobile species such as otter and a weak hydrological pathway between the proposed works and the SAC at construction stage which requires further consideration. There are no direct and/or indirect adverse effects anticipated during the operational phase of the Proposed Development.

Sources of impact and likely significant effects are detailed in the Table below.

#### **Screening matrix**

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
River Barrow and River Nore SAC	<ul style="list-style-type: none"> <li>• Water quality impacts at construction stage via accidental release of pollutants and groundwater interference</li> <li>• Disturbance to mobile species at construction stage.</li> <li>• There are no direct and/or indirect adverse effects anticipated during the operational phase of the Proposed Development.</li> </ul>	<p>Negative effect on water quality within the River Barrow and River Nore SAC with an associated disturbance of qualifying interest (QI) species including freshwater pearl mussel, white-clawed crayfish, sea lamprey, brook lamprey, river lamprey, Atlantic salmon, otter and the habitats: 'water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation' and 'hydrophilous tall herb fringe communities of plains and of the montane to alpine levels'.</p> <p>Disturbance to mobile species at construction stage due to construction activities (incl. noise, and vibration etc.).</p>
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	

	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>N/A</b>	
	<b>Impacts</b>	<b>Effects</b>
Ballyprior Grassland SAC	None	None as there are no feasible hydrological or ecological pathways
	Likelihood of significant effects from proposed development (alone): <b>No</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? <b>No</b>	

#### **4: Conclude if the proposed development could result in likely significant effects on a European site**

Based on the information provided within the applicant's Stage 1 Screening Report, and in reviewing the conservation objectives and supporting documents of the relevant European Sites, I consider that the precautionary approach to apply and accordingly, that the proposed development has the potential to result in significant effects on the conservation objectives of River Barrow and River Nore SAC (002162).

This determination is based on the need to apply the precautionary approach and the potential for impacts on the qualifying interests of this SAC in terms of water quality, when considered as a project on its own and in-combination with other projects and plans.

#### **Screening Determination**

##### **Finding of likely significant effects**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on River Barrow and River Nore SAC in view of its conservation objectives on a number of qualifying interest features of this site.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

### Appropriate Assessment

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

Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed refurbishment works to a 110kv electricity circuit in view of the relevant conservation objectives of **River Barrow and River Nore SAC**, based on scientific information provided by the applicant.

The information relied upon includes the following:

- Stage 1 Screening for Appropriate Assessment report prepared by Prepared by RPG Group
- Natura Impact Statement prepared by RPG Group

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS. There are mitigation measures designed to avoid or reduce any adverse effects on site integrity included within the applicant's NIS (refer Section 7) as part of the submitted application.

#### Submissions/observations

Public observation(s) [At Application Stage by a Third Party]

A third-party submission made at application stage raised the matter of appropriate assessment in regard to likely effects of the proposed development on the River Barrow and Nore SAC. No further specific information was given within the submission.

The matter of AA was not raised within the appellant's appeal submission or within its submission at application stage.

European site: River Barrow and River Nore SAC

Qualifying Interest features likely to be affected	Conservation Objectives  Targets and attributes (as relevant-summary)	Potential adverse effects	Mitigation measures
<i>Following an examination of all QIs of this SAC, the table below provides details of those QI's in which there is any likely feasible pathway/QIs likely to be affected.</i>			<i>The required mitigation measures are set out within Section 7 of the applicant's NIS.</i>

<ul style="list-style-type: none"> <li>• Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</li> <li>• Lampetra planeri (Brook Lamprey) [1096]</li> <li>• Lampetra fluviatilis (River Lamprey) [1099]</li> <li>• Salmo salar (Salmon) [1106]</li> <li>• Lutra lutra (Otter) [1355]</li> <li>• Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</li> <li>• Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</li> </ul>	<p>The targets and attributes for the identified QI's can be found at the following link:</p> <p><a href="#">River Barrow and River Nore SAC   National Parks &amp; Wildlife Service</a></p>	<ul style="list-style-type: none"> <li>• Water quality impacts at construction stage via accidental release of pollutants and groundwater interference which may potentially impact on the site's QI's.</li> <li>• Disturbance to mobile species at construction stage.</li> <li>• There are no direct and/or indirect adverse effects anticipated during the operational phase of the Proposed Development.</li> </ul>	<p>Required mitigation measures include:</p> <ul style="list-style-type: none"> <li>• Appointment of Ecological Clerk of Works (ECoW) as per Section 7.1 of applicant's NIS</li> <li>• Undertaken pre-construction confirmatory surveys by an experienced ecologist as per Section 7.2 of applicant's NIS</li> <li>• Watching Brief during Site Clearance (to ensure no disturbance to otter) as per Section 7.3 of applicant's NIS</li> <li>• Employ Mitigation Measures on <ul style="list-style-type: none"> <li>- erosion and sediment control at construction stage as per Section 7.4.1 of NIS,</li> <li>- Pollution with Other Substances (Section 7.4.1.1 NIS),</li> <li>- management of concrete</li> </ul> </li> </ul>
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			(Section 7.4.1.2, NIS), - Dust Suppression (Section 7.4.1.3, NIS), - measures for Environmental Incidents and Accidents (Section 7.4.2, NIS), - Design measures for construction stage (Section 7.4.3, NIS), - Invasive Alien Plant Species Management (Section 7.4.4, NIS), - Excavation mitigation measures (Section 7.4.5, NIS)
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### Assessment

I have undertaken a site visit and examined the documentation received, including the submitted NIS and associated documentation (including outline CEMP). I note in the outset that the Nore pearl mussel is confined to a stretch of the River Nore which has no hydrological connectivity to the Proposed Development.

The applicant's AA screening concluded that there is potential for affects on the River Barrow and River Nore SAC at construction stage via accidental release of pollutants, groundwater interference and disturbance of qualifying interest (QI) species. It therefore concluded that there is potential for likely significant effects on a number of QI's of this SAC including freshwater pearl mussel, white-clawed crayfish, sea lamprey, brook lamprey, river lamprey, Atlantic salmon, otter and the habitats: 'water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation' and 'hydrophilous tall herb fringe communities of plains and of the montane to alpine levels'.

IMP144 and IMP143 are c. 20 m and c.100 m from a waterbody, where the line crosses the Golf club stream, 10(no) structures (IMP135-IMP127) are between 100 and 300 m south of the Triogue\_20 surface water network as the Little Borris 14 stream flows roughly parallel to the line adjacent to these structures. The access route to IMP131A also passes over the Little Borris 14. 6(no) structures are located in the Triogue\_010 sub basin, with AM141, IMP140 and IMP139 c. 60 m, 50 m and 150 m, respectively, from the waterbody. The line crosses the Triogue river between IMP140 and AM141. Both the Triogue\_010 and Triogue\_020 waterbodies flow north from the Proposed Development and into the River Barrow and River Nore SAC c. 14.9 km downstream.

The closest EPA-mapped waterbody is c.775 m from the proposed potential temporary construction compound at Esker.

The applicant references that unmapped watercourses provide further hydrological connectivity to these waterbodies.

The likely affects to water quality at construction stage via accidental release of pollutants and groundwater interference which may potentially impact on the site's QI's can be sufficiently addressed by way of incorporating mitigation measures. Further, the potential for disturbance to QIs mobile species at construction stage can be sufficiently addressed by way of incorporating mitigation measures, as referenced in the above Table, with these mitigation measures outlined in detail, within Section 7 of the NIS.

There are no direct and/or indirect adverse effects anticipated during the operational phase of the Proposed Development.

#### *Mitigation measures and conditions*

The stated mitigation measures set out within Section 7 of the applicant's NIS are required and extend beyond best practice construction methods.

#### Potential for In-combination effects

The applicant confirms that the subject electricity circuit has been in-situ for in excess of 50 years. The applicant has demonstrated that no significant residual effects will remain due to the construction and operation of the proposed OHL that could act in-combination with other plans and projects to generate significant effects on the River Barrow and Nore SAC in view of its conservation objectives. The proposed development is deemed to have no impact pathways within the Zone of influence.

#### Findings and Conclusions

The applicant determined that the construction and operation of the proposed development alone, or in combination with other plans and projects, would not adversely affect the integrity of the River Barrow and Nore SAC in view of its conservation objectives.

Based on the information provided, and subject to the implementation of required mitigation measures, I am satisfied that adverse effects arising from the proposed development can be excluded. No significant in combination effects are predicated.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation Objectives of the River Barrow and River Nore SAC subject to the implementation of required mitigation measures. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

#### Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on River Barrow and River Nore SAC in view of the conservation objectives of this site and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on the site integrity of the River Barrow and River Nore SAC can be excluded in view of its conservation objectives of this site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts arising from the proposed refurbishment works to an existing 110kv electricity circuit
- Nature and Scale of the works proposed and spatial separation from the qualifying interests of River Barrow and River Nore SAC.
- The proposed development will not affect the attainment of conservation objectives for River Barrow and River Nore SAC which seeks to maintain and/or restore favourable conservation condition of QIs in the River Barrow and River Nore SAC including ; - Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]; Lampetra planeri (Brook Lamprey) [1096]; Lampetra fluviatilis (River Lamprey) [1099]; Salmo salar (Salmon) [1106]; Lutra lutra (Otter) [1355]; Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation [3260] and Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430].