



An
Bord
Pleanála

Inspector's Report 11.VM0012.

Development

Request to make alterations to previously approved Laois-Kilkenny Reinforcement Project Development (Application Reference Number 11.VA1105).

Location

County Laois.

Planning Authority

Laois County Council and Kilkenny County Council.

Applicant(s)

Eirgrid.

Type of Application

Section 146B

Planning Authority Decision

N/A.

Date of Site Inspection

10th July 2017

Inspector

Philip Davis.

Contents

1.0 Introduction.....	3
2.0 Legislative Basis.....	3
3.0 History	3
4.0 Site Location and Description	3
5.0 The Request.....	5
6.0 Assessment.....	5
7.0 Recommendation.....	8
8.0 Reasons and Considerations.....	9

1.0 Introduction

This report deals with a request from Eirgrid Plc that the Board exercise its powers under section 146B of the Planning and Development Acts 2000, as amended, to alter the terms of an Approval made under Section 182B of the Acts to works to install a powerline across countryside in Counties Laois and Kilkenny.

2.0 Legislative Basis

Section 146B (1) of the acts allows a person who intends to carry out a strategic infrastructure development to request the Board to alter the terms of that approved development. Under sub-section 2 the board must then decide, as soon as is practicable, whether to do so would constitute a material alteration in the terms of the development. If it decides that it would not be material, then under section 146B (3)(a) it must alter the approval accordingly.

3.0 History

Under file reference 11.VA0015 the Board made an order on the 23rd day of April 2014 under Section 182A(1) of the Act, as amended, for electricity transmission infrastructure and associated works as part of the Laois-Kilkenny Reinforcement Project.

4.0 Site Location and Description

- 4.1. The appeal site is situated in Coolnabacky, County Laois, a townland located in a low-lying depression some 2.2 km north as the crow flies of the historic village of Timahoe, with its former monastery and round tower, 5km south-west of the town of Stradbally and 8km south-east of Portlaoise. The area is characterised by gently rolling lowlands which older maps reveal as having possibly been boggy or wet, but have been restored to generally high quality arable or grazing land. The land rises to east, west, and south, and drains to the channel of the Bauteogue River, which flows to the north-east, joining the Stradbally River, which in turn flows under the Grand Canal before joining the Barrow River just above Athy. There is a prominent pair of parallel wooded esker hills running to the south, terminating within the townland. A

large gravel quarry, visible on aerial photos up to at least 2005 is now restored and is a wheat field. Otherwise, the area is divided into relatively large intensively farmed fields with deep regular drainage ditches and mature wild hedgerows. The lands are served primarily by a network of private farm tracks of varying quality. There are just a few farm dwellings within the immediate area. Timahoe is the nearest settlement, with an intermittent ribbon of development along the road running south-east of the lands (the 'Pike'), with occasional farm dwellings on the R426 to the west. A 110 KV line runs north to south through the area, generally following the lowest lying ground. The appeal site is located within the townland along the path of the line.

- 4.2. The appeal site is the approved site of a 400kV substation, along the alignment of the existing Athy to Portlaoise 110 kV line (which is to be upgraded as part of approved scheme PL11.VA0015). The substation is the termination point for the permitted Moneypoint – Dunstown-Coolnabacky 400kV line route. The approved compound is a square around 100 metres by 100 metres (1 hectare) within an existing grazing field, mostly surrounded by high hedges. The land is relatively flat and at the time of my site visit, a number of sections of a disassembled tower lattice structure were lying randomly scattered around the field. There is a watercourse in a drainage ditch on the western side of the field. The main access is via a farm track running west to join the R426. The site is just over 1km due east of the R426, 1.1 km west of 'The Pike' road, 600 metres north-east of the nearest dwelling, a farmhouse, and 700 metres east of the River Bauteogue, which flows north-east through what seems to be an engineered channel. The area seems to have been extensively drained in the mid to late 19th Century.
- 4.3. The closest EU designated site is the Ballyprior Grassland SAC site code 002256 on high ground some 4 km to the east – this is an important orchid site, and the nearby drainage watercourses drain to the Stradbally River, which is part of the River Barrow and River Nore SAC complex site code 002162. The nearest watercourse which drains to this is along the field boundary – this drains to the Bauteogue 700 metres away. The designated part of the river is around 5 km north-east from the site. There are no sites on the National Monuments record list or on the NIAH within 1 km of the site and there are no indications of archaeological remains in the area.

5.0 The Request

The applicant seeks to amend the terms of the approval to allow the following modifications to the development –

- An additional temporary Angle Mast structure and localised diversion of the existing Athy-Portlaoise 110 kV overhead lines.
- The use of an existing farmyard as a temporary compound for materials storage and site offices

The applicant submit that these works are required to reduce the health and safety risk of the works. It involves diverting the existing route away from an approved substation. The diversion involves one new angle mast and around 150 metres of line.

6.0 Assessment

- 6.1. The approved development under 11.VA0015 was submitted with an NIS and EIS, and was subject to a lengthy oral hearing. The Board granted approval without significant alteration to the original submitted design.
- 6.2. The proposed alteration relates to the existing line as it runs across the boundary of the approved substation, a very large (1 hectare) structure on a greenfield site. The proposed alteration will temporarily provide a 'dog leg' in the route in order to avoid the construction site during works, although it will be within the designated construction compound area, which includes an upgrade to the farm track to provide construction access. This will require a single new angle mast which will be substantially bulkier in design and appearance than existing and permitted structures (but will be the same design as other permitted angle masts on the route). The site at present is in a field in pasture. In addition, it is proposed to use the nearby farm complex for storage and site offices.
- 6.3. The nearest dwelling to the proposed angle mast, a farm complex, is around 600 metres to the south-west of the site. The site is in a distinct shallow depression in the landscape, with the nearest roads to the west and east on slightly higher elevations. The farm tracks in the area are private and the one leading to the site is gated and appears to be usually locked. The nearest areas with public views

towards the site are the nearby public roads, which are 1-1.2 km away. The area is generally open, but with many mature trees in unkempt hedgerows, so it is generally a robust landscape, capable of absorbing large structures. The roads are generally lined with high hedgerows. I would consider that there would be only very intermittent and distant views of the overall approved works from the R426. A new angle mast would be barely discernible, and only the top would be visible from any viewpoint I could identify.

- 6.4. From 'The Pike', the road from Timahoe to Stradbally which runs east of the site there are a number of clear views to the base of the valley, but there are several lines of hedgerows between the road and houses along the road, so again I would conclude that views are intermittent and the impact would be barely discernible. A minor third class road runs from this road across the north of the site, just over 1-km away – this is at a slightly lower level than the site, and I could not identify any clear views towards it.
- 6.5. The eskers south of the site appear to have paths along their ridges and may occasionally be used by the public on an informal basis. From the northern 'head' of each esker there would be relatively clear views towards the site, although most probably blocked by the woodland on each esker ridge.
- 6.6. There are no clear views to the site from any nearby settlement. It is possible that it would be visible from the top of the round tower in Timahoe, but this would be from a distance in excess of 4km, so again, would be barely discernible.
- 6.7. In all other respects, as the proposed alteration is within the overall works compound, I would consider that impacts would be *de minimis* in the context of the overall approved works.
- 6.8. With regard to the proposed use of a farm compound for storage and site offices, I would consider this to be a non-material alteration due to the existing nature and use of the property.
- 6.9. The original submission was accompanied by an NIS and subject of a stage 2 Appropriate Assessment, which concluded that, subject to the implementation of the identified mitigation measures, the proposed development would not adversely affect the integrity of the River Barrow and River Nore SAC or other designated sites. The proposed alteration will result in a new structure within the overall site catchment.

This angle mast is marginally closer to a drainage watercourse which ultimately flows to this SAC than the permitted works. However, it is within the permitted works area and would be covered by the mitigation measures set out in the NIS and EIS and as such I would consider the alteration to be negligible and *de minimis* in the context of the overall permitted works. I note in this regard conditions 2 and 4 of the Decision, which relates to the protection of rivers and streams in the vicinity and all mitigation measures set out in the NIS and EIS which would apply to the proposed alteration. I therefore conclude that no aspect of the NIS needs to be revised or altered and that the works are not a material alteration and would not alter the original conclusion of the Board with regard to adverse impacts. Neither would I consider that the proposed alteration is material with regard to the EIS, and in the absence of adverse impacts, of itself or in cumulation or in combination with the overall approved development which has previously been subject to EIS assessment by the Board.

- 6.10. The approved development was subject to many objections and observations, some from residents in the vicinity, and related specifically to the substation. I have read through the file, inspectors report, and the submissions to the Board. Particular issues raised in the oral hearing of relevance to the proposed alterations related to claims that the substation site was particularly visible from a number of local highpoints, and that it is over a vulnerable aquifer. A number of parties, including Laois County Council, requested that the undergrounding of the pylons be considered. I note that while the Inspector recommended that additional information be requested (relating to electromagnetic radiation impacts), the Board did not concur and decided to grant approval, subject to conditions. I note that the Inspectors recommendation did not relate to the specifics of that aspect of the proposed development which it is proposed to alter – the Inspector was satisfied that the works could be accommodated within the landscape would not unduly impact on the local landscape and amenities.
- 6.11. Having examined the site, and read through the previous report, submissions by a wide number of parties, the assessment by the Inspector, and the Board decision, I am satisfied that the proposed alteration would not be material. In this, I have had particular regard to the location of the works within the general envelope of the original approval, the generally small scale of the alteration, the location of the works compound in an existing farm compound, and in particular, its temporary nature.

7.0 Recommendation

I recommend that the board make an order altering the terms of the approval Ref. No. 11.VA00115 made under section 146B(3)(a) of the Planning and Development Acts 2000-2011 in the manner and for the reasons set out below.

REQUEST received by An Bord Pleanála on the 9th day of June 2017 from Eirgrid plc under section 146B of the Planning and Development Act, 2000, as amended, in respect of a strategic infrastructure development described as the Laois - Kilkenny Reinforcement Project.

PROPOSED ALTERATIONS: An additional temporary Angle Mast structure and localised diversion of the existing Athy-Portlaoise 110 kV overhead lines in addition to a temporary storage compound.

WHEREAS the Board made a decision to grant approval, subject to conditions, for the above-mentioned development by order dated the 23rd Day of April 2014.

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the approval,

AND WHEREAS the Board considered that the proposed alterations would not result in a material alteration to the terms of the development, the subject of the approval,

AND WHEREAS having regard to the limited extent of the changes proposed, the Board decided not to invite submissions or observations in relation to the matter,

NOW THEREFORE in accordance with section 146B(3)(a) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on 9th day of June 2017.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard.

8.0 Reasons and Considerations

Having regard to the terms of the development approved under section 182B of the Planning and Development Act, 2000, as amended, under An Bord Pleanála reference number 11. VA.0015 on the 23rd day of April 2014 and to the nature, scale and limited time scale of the changes now proposed, it is considered that the proposed alterations, either individually or in combination with other plans or projects, do not represent a material alteration to the approved works and would not be likely to have any significant effect on the environment, or on any European site having regard to their conservation objectives, or on the proper planning and sustainable development of the area that had not been considered prior to the granting of the said approval for the development, and would have no environmental impact, of itself or in cumulation with the overall approved development which has previously been subject to appropriate assessment and environmental impact assessment.

The proposed alterations, therefore, would not constitute a material alteration of the terms of the development concerned.

Philip Davis
Planning Inspector
9th August 2017