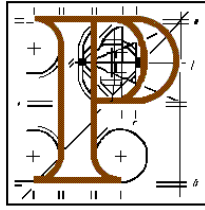


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Kildare County

Planning Register Reference Number: 13/627

An Bord Pleanála Reference Number: PL 09.243460

APPEAL by Kilcock and Districts Community Council care of Thomas Ryan of Pitchfordstown, Kilcock, County Kildare against the decision made on the 14th day of May, 2014 by Kildare County Council to grant subject to conditions a permission to Moydale Limited care of McGill Planning Limited of 1st Floor, 7 Fitzwilliam Street Upper, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Temporary use of the site as a car park (Park and Ride facility) for a period of four years for construction staff engaged in construction activities at the Intel site, Collinstown, Leixlip, County Kildare. The following associated works are proposed: (1) 1,200 car parking spaces and circulation routes. (2) Three number bus set down areas and three number bus shelters (each circa five metres by circa 1.5 metres by circa three metres). (3) One number single storey security hut (circa 25 square metres), security barrier and lock up gates. (4) Two metres high dark green security fence with hoarding and tree planting along the southern boundary. (5) Lighting of car park with six metre high lamps. (6) New vehicular access to the site from the adjoining R148 roundabout, all on a site of circa 5.5. hectares located at the Enfield Road (R148), Boycetown, Kilcock, County Kildare.

DECISION

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

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. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the zoning for the site, to the temporary nature of the proposal, to its location to the east of the proposed development which it is proposed to serve and in a location convenient to the motorway, the Board considered that the proposed development, subject to compliance with the conditions set out below, would facilitate sustainable patterns of traffic movement to the proposed development it is intended to serve, would be acceptable in terms of traffic safety and convenience, would not seriously injure the amenity of properties in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the applicants had considered other sites for park and ride facilities and that there was a justification for the proposed temporary facility. The Board further considered that the proposal would not unduly prejudice the implementation of the roads objectives indicated in the Kilcock Local Area Plan 2009-2015.

The Board completed an environmental impact assessment of the proposed scheme, which considered, inter alia, the Environmental Impact Statement submitted with this application, submissions made in the course of the planning application and the appeal, and the report, assessment and conclusions of the Inspector in relation to the environmental impacts of the scheme. The Board considered that the environmental impacts of the proposed development are acceptable and, subject to compliance with the mitigation measures set out in the Environmental Impact Statement, the proposed development would not have unacceptable adverse effects on the environment.

The Board completed a screening exercise, taking into account the screening report submitted with the application and the Inspector's report and submissions on file, in relation to potential impacts of the site having regard to the nature and scale of the proposed development and characteristics of the European sites within a 15 kilometre radius. No Appropriate Assessment issues arise and the Board concluded on the basis of the information available that the application for consent for proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on a European site.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 3rd day of April, 2014, 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. All work shall be carried out in full and completed in accordance with the mitigation measures set out in the Environmental Impact Statement submitted to the planning authority at application stage, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of proper planning and sustainable development.

3. The proposed car park shall only be used by the contractor workers employed for construction work at the Intel Campus in Leixlip, County Kildare and shall be for a temporary period of no longer than four years from the date of this order.

Reason: In the interest of clarity.

4. Any security fences, and all other fences proposed, shall consist of dark olive green coated mesh with all members and supports also painted in a dark olive green colour. No other colours shall be used for any fencing. Details/samples of all proposed fencing shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure that these large areas of fencing will not be visually obtrusive.

5. Prior to commencement of development, design and siting details of the proposed lighting shall be submitted to and agreed in writing with the planning authority. The design and location of artificial light sources shall be carefully designed to avoid light nuisance. In order to minimize the extent of light spill, lights that are pole mounted shall be directional and cowled to ensure that light is directed downwards and inwards. The duration and intensity of artificial light shall be controlled in order to avoid light spill at dwellings and on adjoining roads.

Reason: In the interest of residential and visual amenity and traffic safety and to protect ecology and avoid light spillage.

6. Prior to commencement of development, the design and location details of the proposed bus shelters shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of visual amenity and the proper planning and sustainable development of the area.

7. Prior to commencement of development, the design and location details of any proposed signage in relation to the development shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of visual amenity and the proper planning and sustainable development of the area.

8. Shuttle buses shall travel both outward and return journeys via junction 8 of the M4 motorway to gain access to the Intel site and vice versa. Bus routes shall be monitored over a three month period and records shall be made available to the planning authority. The planning authority reserves the right to alter the bus route in the event of traffic congestion.

Reason: To assess the impact of the development on the existing road network and to ensure that the level of generated traffic are as per the applicants' submission.

9. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

10. Prior to commencement of development, details of the appropriate reinstatement of the site including removal of fences/security huts and a timeframe for their removal shall be submitted to and agreed in writing with the planning authority. A residual management plan shall also be drawn up for the safe closure of the site.

Reason: In the interest of public health, visual amenity and proper planning and sustainable development.

11. The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

13. (a) Prior to commencement of development, the developer shall establish the route of the existing private foul sewer rising main which, according to planning authority records, traverses an area of the proposed temporary car park.
- (b) Prior to commencement of development, the developer shall establish the route of the existing service connection to Musgrave's compound which, according to planning authority records, traverses an area of the proposed temporary car park.

Reason: To ensure proper development and to protect existing services.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2014.