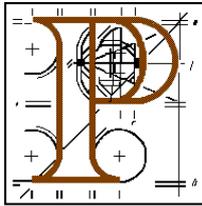


An Bord Pleanála



Inspector's Report

Development: Permission for temporary use of the site as a car park (Park and Ride Facility) for a period of 4 years for construction staff engaged in construction activities at the Intel Site, Collinstown, Leixlip, Co. Kildare. The following associated works are proposed: 1,200 car parking spaces and circulation routes; 3 no. bus set down areas and 3 no. bus shelters (each c.5m x 1.5m x c. 3m); 1 no single storey security hut (c. 25sq.m.), security barrier and lock up gates; 2m high dark green security fence with hoarding and tree planting along the southern boundary; lighting of car park with 6m high lamps; new vehicular access to the site from the adjoining R148 roundabout.

Site Address: Intel Site, Collinstown, Leixlip, County Kildare

Planning Application

Planning Authority: Kildare County Council

Planning Authority Reg. Ref.: 13/627

Applicants: Moydale Limited

Type of Application: Permission

Planning Authority Decision: Grant Permission

Planning Appeal

Appellant: Kilcock and Districts Community Council

Type of Appeal: Third Party V Grant

Observers: None

Date of Site Inspection: 18th September 2014

Inspector: **Joanna Kelly**

Appendices:

Appendix 1 Site Location Map

Appendix 2 Photographs and Site key Plan

1.0 INTRODUCTION

This appeal pertains to a third party appeal against the notification of a grant of permission from Kildare County Council for a temporary car park (Park & Ride) facility for a period of four years.

2.0 SITE DESCRIPTION

2.1 The appeal site has a stated site area of c.5.5 hectares and is located off the M4 Enfield/Kilcock Interchange along the R-148. The site is triangular in shape and is bounded by Musgrave's Distribution Centre to the west, the Dublin-Sligo railway line to the north and the R-148 to the south. A graveyard and St. Patrick's former church is located opposite the site on the R-148. The canal is also located approx. 150m to the north of the appeal site. The lands to the north of the appeal site are lower-lying and are mainly in agricultural use.

2.2 The site has two agricultural entrances at present and it would appear that debris/ construction waste has been deposited on the site some time ago which has now become overgrown. This waste has led to a change in levels across the site. There are existing water storage facilities located along the north-western boundary which documentation on file states serve Musgraves. An existing fence along the northern boundary demarcates the site from the rail-line.

2.3 The site is a gateway site into Kilcock from the roundabout at this location (M4 Interchange). There are some detached one-off dwellings located on the opposite side of the road to the site. There are also residential units located east of the appeal site.

3.0 DESCRIPTION OF PROPOSED DEVELOPMENT

3.1 The proposal involves the construction of a temporary car park consisting of 1,200 car parking spaces for construction workers engaged in construction activities at the Intel Site at Leixlip. The proposal also provides for 3 no. bus set down areas and 3 no. bus shelters; 1 no. security hut, security barrier and lock up gates; 2m high dark green security fence with hoarding and tree planting along the southern boundary; lighting of car park with 6m high lamps; new vehicular entrance to the site from the adjoining R-148 roundabout.

3.2 Buses will be provided to shuttle construction staff to and from the Intel site during the morning and evening periods. The Intel plant is located at Collinstown, approximately 11kms from the appeal site. It is proposed to use the M4 as a means of access from the appeal site to Collinstown.

4.0 TECHNICAL REPORTS

4.1 Planning report

The Planning report dated 4th October 2013 sets out that further information is required in respect of the proposal regarding landscaping, proposed hoarding; re-instatement plans; temporary sanitary facilities; enforcement details regarding bus movements; project construction and demolition waste management plan and details regarding the cumulative impacts arising from two already permitted park and ride facilities to service the Intel Plant.

This report also noted that AA screening was carried out and concludes that no significant impacts were expected. Four no. submissions were noted to the application and issues raised included invalid EIS; post consent issues that should have been included in the EIS; lack of alternatives in the EIS; concerns regarding noise, lighting, littering, traffic and site remediation; and part of the site designated for spine road.

The subsequent planning report prepared in response to the further information response sets out that the response was deemed acceptable and it was recommended that permission be granted subject to conditions.

4.2 Area Engineer

This report indicates that existing roadside and land drainage is to be maintained by the applicant and that surface water generated on site is to be disposed of on site.

4.3 Water Services

No objection subject to conditions that provide for the establishment of the route of the existing private foul sewer rising main and establishment of the route of the existing service connection to Musgrave's compound.

4.4 EHO

It is recommended that if well bores are uncovered during the construction of the Park and Ride facility that such wells be sealed and capped securely to prevent groundwater contamination.

The applicant shall use "Best Practicable Means" to prevent and minimise noise and dust emissions from the site during the construction and operational phases of the development.

Temporary sanitary facilities shall be provided for security staff located at the site during the operational phase.

4.5 Heritage Officer

There are handwritten bullet points that make reference to Tree Management Plan, details of signage, root protection zone, fencing, vegetation removal outside of nesting period.

4.6 Conservation Officer

Reference is made to St. Patrick's Church (former) which is of considerable social and historic interest. There is no objection to the proposal subject to landscape screening proposals to minimise impact of the proposal on the adjacent protected structure.

4.7 Senior Executive Engineer – Transportation

No objection subject to conditions. Of note condition 1 sets out that a minimum of 1,200 spaces to be provided and condition 2 specifies the route for buses which is to be monitored for three months.

5.0 EXTERNAL CONSULTEES

5.1 Chief Fire Officer

No objection to the proposal

5.2 Iarnród Éireann

This submission makes reference to, *inter alia*, all persons carrying out works on or near the railway to ensure that there is no increase in risk to the railway as a consequence of these works. Due to the proximity of the railway a 2.4m high suitable palisade fence should be erected by the applicant on the applicant's side of the boundary. No development is to take place within an area of 5m west of the nearest running edge of the rail. This also includes the positioning of any access road, soakways/percolation areas. No trees to be planted directly along the railway boundary.

6.0 ENVIRONMENTAL IMPACT STATEMENT

6.1 The purpose of the EIS is to provide a detailed description of the proposed development and outline potential impacts associated with the construction and operation of the proposed park and ride facility. Article 3 of the European Directive 85/337/EEC, as amended by Council Directives 97/11/EC and 2003/35/EC and Section 171A of the Planning and Development Act 2000-

2010 require that the EIS submitted by the applicant is assessed by the competent authority, in this case the Board.

- 6.2 The EIS document contains 5 chapters as follows: Preamble; Alternatives considered; description of the proposed development; planning context; aspects of the environment considered; and Appendices.
- 6.3 Schedule 6 of the Planning and Development Regulations sets out the information to be contained in an EIS. In general terms, the EIS describes the proposed development and site and sets out the development size and design. The EIS assesses the effects of the proposal on the environment under the following chapters: human beings; flora and fauna; soils, geology, hydrology, water; air and climate; noise and vibration; landscape and visual assessment; cultural heritage; traffic and transportation; waste management; and interactions. A non-technical summary of the EIS has been submitted.
- 6.4 It is considered, that for the purposes of complying with the provisions of the Regulations that the EIS submitted generally complies in this regard save for the outline of the main alternatives. In general, measures envisaged to avoid, reduce and, if possible, to remedy significant adverse effects are outlined.
- 6.5 With regard to alternatives, Schedule 6 of the Planning and Development Regulations, as amended specifically requires that “an outline of the main alternatives studied by the developer and an indication of the main reasons for his or her choice taking into account the effects on the environment”. I would not be satisfied that the EIS has adequately addressed this particular requirement. This is discussed in more detail in the assessment.

7.0 PLANNING AUTHORITY'S DECISION

The Planning Authority granted permission for the development subject to 22 conditions:

- | | |
|-------------|--|
| Condition 1 | Compliance with plans and particulars |
| Condition 2 | Mitigation measures contained in EIS to be complied with |
| Condition 3 | Limitation of use and period of use |
| Condition 4 | Fencing specifications |
| Condition 5 | Landscaping and tree removal |
| Condition 6 | Lighting details to be agreed |
| Condition 7 | Bus shelter details to be agreed |

| | |
|-----------------|---|
| Condition 8 | Proposed signage details |
| Condition 9 | Car parking spaces to be provided for a minimum of 1,200 spaces |
| Condition 10 | Shuttle bus routes and monitoring period |
| Condition 11 | Additional spaces to be provided if required |
| Condition 12-13 | Drainage details |
| Condition 14 | Lighting to be reflected so as not to create traffic hazard |
| Condition 15 | Site re-instatement details |
| Condition 16 | Noise control |
| Condition 17 | Bunding |
| Condition 18 | Noise and dust control measures |
| Condition 19 | Project construction and waste demolition plan |
| Condition 20 | Establishment of route of rising main sewer |
| Condition 21 | Establishment of route of |
| Condition 22 | Section 48 contribution |

8.0 APPEAL GROUNDS

8.1 The Third party appeal grounds from Kilcock and Districts Community Council are summarised as follows:

- Site Zoning – Part of the site is designated as the site for a spine road to connect the R-148 roundabout with the R-158 roundabout on the Summerhill Road. This planned Spine Road facilitates the proper planned connection of these two busy roads. The applicant's assertion that the development of this vital road connection will not occur in the short term is incorrect. The Board granted permission for an Outer Ring road to connect the R-158 with the R-148 road beside Kelly's Petrol Station. This road is required to facilitate the development of lands in Rodanstown, Newtownmoyaghy and Balfeaghan, Co. Meath. These lands have been refused development permission by the Planning Authority and the Board on numerous occasions. The primary reasons for refusal was the lack of proper road infrastructure.

- This application if granted would suspend the proper planning and sustainable development of Kilcock for the foreseeable future.
- Traffic Congestion – The proposed temporary use of this site as a park and ride facility would bring significant disruption to the residents of Kilcock and surrounding areas. The arrival and departure of so many Buses and Cars at this critical junction on the R148 will have a significant negative impact on the N4 Interchange at peak time flows. At peak times the existing traffic congestion at the junction R-148 and R158 Summerhill Road is already a significant problem for residents at Ryebriidge Estate, Kilcock and other road users. The residents of Abbeyfield, Pinewood and the Sycamore Estates along the R-148 also experience significant traffic problems during peak times. This existing problem is more pronounced during the school year.
- Noise Pollution – The proximity and general activity of 1,200 cars and 39 buses continuously arriving and departing from the site will have a significant effect on all nearby residents.
- Transport Links – The location of the proposed parking facility has very poor transport links. There are no bus connections for non-car owners to get to the site. Kilcock train station is 1.5km from the proposed site and in the centre of the town.
- Pedestrian Links – There is no continuous footpath connection to this site.
- Community – The proposed car park offers almost nothing to the community to Kilcock. The suggestion that there is any positive community gain in this application is ridiculous. This application is to facilitate development in Leixlip.
- Alternative Location – A Park and Ride facility is currently completed at Dunboyne Train Station and is only partly used. It is suggested that this site would be better suited to Intel's requirements and is closer to their development at Leixlip. It is also in the ownership of the State and is designed to cater for this type of need. It is fit for purpose and available immediately unlike the applicant's proposal.
- Given the proximity of Intel to the N4 motorway and its connection to the Celbridge interchange, it is logical that the most immediate and obvious location for a Park and Ride Facility are the lands in the vicinity of Celbridge N4 Interchange. The use of the Celbridge Interchange would be far more accommodating to the workforce because of its proximity to Dublin and Intel.

- Toll Station – There is a significant volume of traffic using the Kilcock road network to avoid the payment of toll fees. Also due to the location of toll collection points on the N4 Motorway a large number of vehicles of all types travelling from east to west and vice versa use the Kilcock to Kinnegad route (old Dublin to Galway road). There are tailbacks leaving Kilcock on the N4 Interchange heading east in the morning and west in the evening. This application would further exacerbate the existing traffic congestion at the Kilcock N4 Interchange.
- The submission also comments on specific conditions in the notification of the grant of permission.
- Condition 3 – This condition limits the use of the site for workers employed for construction work at the Intel Campus for a period of no longer than 4 years. It is set out that the existing designation for part of these lands to be used as a Spur Connector from the roundabout known as Musgrave’s roundabout to the Summerhill road roundabout as part of the future Outer Orbital Ring Road, is a key piece of regional road infrastructure servicing the Naas to Navan route. The proposal will prevent the development and provision of this connection and in turn will prevent the development of the residentially zoned lands on the Meath side of Kilcock.
- The recognition that the planned use is only triggered when the car park is first used clarifies the fact that the delivery of the identified requirement for the Spur Connector road will be delayed beyond four years at the very least and indeed that time frame could be doubled. The temporary car park could prevent the delivery of this Spur Connector for more than a decade and in doing so hinder the proper planning and sustainable development of the town of Kilcock. It is requested that permission is refused.
- Condition 6 – This condition requires the submission of full design and siting details of proposed lighting and it is submitted that the applicants should have submitted a detailed design for lighting so that the community could have the opportunity to assess the impact of possible light pollution from the proposed site.
- Condition 7 – This condition requires the design and location of proposed bus shelters to be submitted for agreement. Again it is submitted these details should have been submitted so that the community could have the opportunity to assess the impact of their size and location on the proposed site.

- Condition 8 – This condition requires that details of location and design of any proposed signage to be agreed with the Planning Authority. It is submitted that such details should have been submitted to allow the residents to assess the impact arising from the signage.
- Condition 9 – This condition sets out that “car parking spaces shall be provided for a minimum of 1,2000 cars...” It is suggested that the application is for 1,200 cars and not for a minimum of 1,200 cars and the wording needs to be removed. The condition as worded leaves a possibility for an unquantifiable number of car parking spaces – this most certainly will further disrupt the N4 Interchange and traffic movements and congestion in Kilcock.
- Condition 10 – This condition sets the route of the buses and the appeal submission sets out that there is no alternative route other than through the town of Kilcock.
- Condition 11 – This condition requires that car parking be monitored and additional car parking will be provided if required. It is set out that the Planning Authority are incorrect in applying condition 11. This application is for 1,200 car parking spaces. The open ended nature of the condition allows for an unquantifiable amount of car parking to be provided at sensitive traffic location. There was no detailed file on the planned work at the Intel site submitted with the applicant’s planning application. It is noted from the Kildare Planning Files that Intel Ireland made applications in their own right for provision of Park and Ride Facilities. The applicant did not include any document from Intel verifying their need for such a facility in Kilcock nor indeed did Intel include Kilcock as one of their locations when submitting planning applications to Kildare County Council. It is requested that permission is refused.
- Condition 15 – This condition requires details for the appropriate reinstatement of the site prior to commencement of development. It is set out that this should have been submitted with the application. There are concerns that the existing condition of the site suggests that various types of material have been deposited on the site over a number of years and that the site has the appearance of a derelict site. The land owners appear to have done very little with the site in the past 14 years.
- Condition 18 – This condition requires the applicant to use Best Practicable Means to prevent/minimise noise and dust pollution. It is put forward that the applicant should have submitted a detailed design

for berming on the entire site. This would have afforded the residents the opportunity of some protection from noise and light pollution. This application is flawed on the basis that proper noise and light mitigation measures have not been designed for the site.

- Condition 19 – This condition refers to the submission of a formal Project Construction and Demolition Waste Management Plan for agreement. It is submitted that given the size of the site and the proposed use in the application, there should have been such a plan submitted with the application. There is a concern regarding removal of waste material on site whereby there is very little detail as to its make-up and risk. It is not possible to assess the effect of possible truck and traffic flows during the waste removal phase of construction and the infill stage of construction. It is requested that this incomplete application be rejected.
- Condition 20 – This requires the applicant to establish the route of an existing foul sewer rising main that traverses the site. It is suggested that the route of the existing private foul sewer rising main should have been identified and marked on the applicant's original submission. It is considered that the Council were unable to assess the impact of the proposed development on the existing sewer system without this information. Dealing with this required information through condition is inappropriate. It is requested that the Board refuse permission on the grounds that proper impact assessment on the existing sewer infrastructure was not carried out by the applicant.
- In conclusion, it is set out that the Planning Authority failed to properly consider or have due regard to significant issues raised in the application. The open-endedness of the conditions attached and the decision is not in keeping with the proper planning and sustainable development of Kilcock. The Board are asked to consider the possibility of the undemocratic nature of the decision on the grounds that Intel is a private Corporation and its infrastructural needs are not the responsibility of the community of Kilcock. The importance of job creation in the current economic environment in Ireland is recognised however not one job will be created in Kilcock on foot of the delivery of this 'Leixlip' car park. It is requested that the proposal is refused.

9.0 RESPONSES

9.1 First Party response to grounds of appeal

The main points set out in this response are as follows:

- The proposed Kilcock Park and Ride facility is for future Intel developments over the coming years, including the new Fab development File Ref. No. 12/435/PL.09.241071.
- Reference is made to the condition 15 (e) attached to the PL.09.241071 permission that required details of the proposed park and ride facility off site to be included in the construction management plan.
- A number of applications for temporary off-site parking to serve future construction works at Intel have also been permitted Reg. Ref. 12/708 (Hewlett Packard Site, Liffey Park Technology Campus) granted December 2012 and Reg. Ref. 12/725 (Moortown, Celbridge) granted November 2012.
- The Board also recently granted permission for an on-site temporary car park PL.09.242826 for a period of two years and is located within the new Fab development area.
- It is set out that the temporary on-site car park grant of permission provides adequate parking for the current construction activities on the site. The Kilcock development as noted in the cover letter is for future developments over the coming years. The on-site car park is for a temporary duration only and will obviously be removed as construction of the new Fab begins.
- The Kilcock car park will provide Intel with an option of additional Park & Ride facility for site workers during the course of construction of the new Fab. A positive grant of permission for this development will assist Intel in complying with the conditions of the new Fab permission.
- The proposed application is for a temporary permission only. The lands will be returned to their original use following cessation of the car parking activity after 4 years. Car parking is a permitted use under the current zoning of the site.
- It is submitted that the location of the “spine road” connecting the Summerhill Road in Meath is indicated on the zoning map as being indicative only. Therefore the finalised location of the spine road may not involve the application lands at all.
- The zoning and policy objectives for the Kilcock Environs lands within County Meath have been significantly altered under Variation 2 of the Meath County Development Plan.
- Variation no. 2 introduced an Order of Priority into the development plan managing the release of lands for development.

- The First Party highlight with an extraction from the development plan that “..it is accepted that it will take a considerable period to realise this objective as it will be delivered by developers in tandem with development and well beyond the life of the current County Development plan period.
- The residential zoned lands within the Kilcock Environs on the Meath side of the town are to be served by a new distributor road across a number of private owned lands as granted by the Board in January 2013 ref no’s PL17.239772, PL.238370, PL.17.240405, PL.17.239523 and PL.17.239375.
- The permitted road extends from the R158 Summerhill Road roundabout to the R-148 Maynooth Road east of Kilcock. A road connection from the R158 Summerhill Road roundabout to the R-148 Enfield Road west of the town was not included in these proposals and was not considered necessary.
- Under variation no. 2 the quantum of residential zoned land to be served by the permitted distributor road has been significantly reduced as a result of the updated flood risk studies carried out for the Rye Water for the Council. As a result the quantum of residential development within the Kilcock Environs will be significantly lower than was originally envisaged under the road infrastructure proposals granted by the Board.
- Variation no. 2 also restricts development of the majority of the residentially zoned lands until after the next County Development Plan is adopted in 2019.
- The spine road will be a significant and costly piece of infrastructure given that the road will need to bridge across the Sligo-Dublin railway line, the Royal Canal and the Rye Water River to the east.
- It is noted that the Industrial/Employment (E2) zoned landbank on the Meath side of the Rye Water that would accommodate the road connection to the R-158 Summerhill Road has also been significantly reduced and replaced with zoned open space as a result of the updated flooding study which informed Variation no. 2.
- Given that this road/bridge connection is to be provided by private interests it is reasonable to assume that the delivery of same is at best a very long term proposal and possibly might never occur given the reduced quantum of zoned land for development in the vicinity.
- It is therefore submitted that the granting of this temporary permission would not impact on the long term objective of providing a bridge/road link from the R158 to R148 and equally that the short term residential development of zoned land on the Meath side of the town will not be impacted by this permission.

- With regard to alternative location, it is set out that the Board will be aware that Intel has two other construction park and ride facilities permitted for future developments which have not been given effect to date. The location of those facilities has been carefully chosen with respect to the origin of the construction workers.
- The Dunboyne facility referred to by the appellants is the M3 Parkway train station P & R operated by Iarnród Éireann and which principally is to serve commuters from the Meath area that commute to/from Dublin by train.
- That facility would only address workers travelling from north of the Intel Campus. It would not serve those travelling from the west along the M4 or those travelling from the environs of the Kilcock area.
- It is also considered impractical and bad traffic management practice to divert the substantial levels of construction worker traffic from the west/M4 to the Dunboyne facility given that the most direct and safest route would be via the R148 and R157 thereby through Kilcock and Maynooth town centre. Alternative routes would be on unsuitable local roads through south meath.
- The location of the Kilcock car park has been chosen very carefully in terms of its suitability for construction worker traffic from the west. It will operate in tandem with other permitted facilities which will serve other catchments closer to Dublin.
- With regard to traffic congestion reference is made to the EIS and the Traffic Impact Assessment (TIA) which clearly demonstrates that there will be no traffic congestion as a result of the proposed development.
- The EIS modelled the impact of the traffic associated with the proposed facility on critical road links and junctions in the vicinity of the proposed development. It is submitted that 85% of the traffic generated will come from the west. 55% will come from the M4 interchange and at AM and PM peak traffic times will travel in the opposite direction to the existing traffic flows attempting to enter/exit the interchange from the slip road at present. The 30% coming along the R148 old Dublin-Galway road from Enfield direction will not use M4 interchange slip road but will enter directly into the facility from the roundabout.
- Only 15% of traffic will come from the R158 Summerhill Road and this traffic will turn right onto the R148 to the east of the town to access the facility and will not impact the residential estates located between the R158/R148 junction and the town centre. While the Ryebriidge estate accesses off the R-158 there is no indication that the level of P&R traffic coming from the R-158 direction would negatively impact access to and from this estate.

- The Arcady results indicate that the existing roundabout junction beside the site with the additional fourth arm serving the facility can accommodate the predicted traffic growth and 100% of the projected levels of traffic associated with the facility. The results also indicate that during the peak traffic period the proposed junction experiences almost free flow traffic conditions with no material queuing projected within this junction, operating with reserve capacity of over 95% during the critical peak traffic periods.
- In response to the toll station and that the proposal would exacerbate congestion if granted, reference is made to the TIA carried out as part of the application. It is set out that it is correct to assume that there is some additional traffic on the R-148 avoiding the M4 toll. Even so, in applying this additional load, the traffic impact was not found to result in a significant negative impact as a result of the development. The contra-flow characteristics of the majority of the P&R traffic compared to other peak time traffic is a major factor in this result.
- In relation to “toll avoidance” it is set out that this issue has been raised previously with the Board in relation to other commercial developments near tolled motorways (e.g. PL.04.241494) and the Board have concluded that it is a wider issue outside of their remit and one for the local roads authority and the NRA to address.
- It is clarified that the permission sought 1,200 spaces only. It is not proposed to provide any more than that number and any proposals for additional parking would require a further grant of permission.
- With regard to Bus route associated with the P & R facility the appellants set out there is no viable alternative route other than through Kilcock town centre on the R-148 and would create traffic congestion. It is suggested that the intention of the condition is to allow for a possible re-routing of the buses on a temporary basis for example, if there was an accident for road works at the M4 interchange. It is stated that the intention is to operate the buses to and from the site via the M4 as this is the quickest route available and avoids potential congestion in Kilcock and Maynooth town centre.
- It is set out that the location of the car park has been chosen carefully. Intel has determined that a significant number of construction works will use the M4 Motorway to travel to Intel. It is not anticipated that many workers from the wider Kilcock area would walk to the facility; however there is a continuous footpath along the entire site frontage with the R-148 and which connects with the footpath network into the town centre. Public transport accessibility is not required as those workers who drive to the facility will be bussed privately to and from the Intel facility.

- With regard to noise and light impact, the Board is referred to the EIS submitted with the application and to Chapter 5.5 which assesses in detail the potential noise impacts of the proposed facility. The existing baseline noise climate within the vicinity of the proposed facility is already dominated by traffic noise given that the R148 is the main route into Kilcock from the west while this stretch of road also carried a large amount of through-traffic to and from the M4 interchange. The R-148 was previously the old N4 Dublin-Galway road before the M4 was established. Traffic noise has therefore been a significant factor of the local environment for some time. Traffic to and from the site will not be “continuous” over the day but will tie in with the start and end of shift periods as outlined in the TIA.
- Noise modelling techniques used in the EIA show that the increases in traffic volumes as a result of the P&R facility will be “slight”. Barring the site is therefore not considered necessary. The boundary treatment will comprise c2.4m high hoarding with c2m high chain link fence, a planted native hedgerow and trees along the entire road frontage.
- With regard to lighting the Board are referred to the site layout plan and site section accompanying the application which indicates the location, number and height of lighting stands. Fixed lighting stands of c.6m high car parking standard are proposed. Lights will be directional and/or cowled to ensure that light is directed downward and inwards into the site. Notwithstanding condition 6, it is considered that the application already provides ample information in this regard and confirms that the impact on local amenity will be minor.
- Given the temporary nature of the proposed use, the operational hours of facility and the zoning of the site it is considered that the noise mitigation and lighting measures are wholly appropriate and will afford adequate protection to residential amenity.
- With regard to conditions requiring further details, it is submitted that the drawings submitted confirm the location, number and detailed design of the bus shelters. There is already sufficient information to assess any impact.
- In relation to signage, no advertising signage is proposed given that it is a private car park. Any signage required would be directional in nature and would be similar to typical road signage as exists along the adjoining roads. No impact to the local community is foreseen.
- As regards re-instatement of the site the Board are referred to Chapter 3 of the EIS and to the further information response dated 3rd April 2014, which includes details for reinstatement of the site. It confirms that following the temporary use of the land for the car park, the grid and stones will be

removed and properly disposed of and/or reused elsewhere. Any excess soil that was stored at the perimeter of the site during the formation of the car park will be spread across the land and ground will be scored, reseeded and grazing pasture re-established. It is not proposed to import additional soil to the site.

- The permission proposes to return the site to an agricultural state following the completion of the temporary parking period. In this regard any community concerns regarding the site being left in a disused manner are unfounded.
- In relation to the submission of a formal Construction & Demolition Waste Management Plan reference is made to the waste chapter of the EIS and the construction and demolition waste management plan submitted as part of the further information response. It is considered that sufficient information has been provided in relation to same and no concerns arise for the local community.
- In relation to additional details regarding private services through the site it is noted that these are located along the northern boundary of the site. The proposed temporary car park was intentionally located away from that part of the site to ensure no conflict arose between the operation of the car park and Musgrave's right of access.
- The submission concludes that the site was chosen specifically due to its location adjacent to the M4 motorway as detailed in section 2.2. of the EIS. The facility will be of benefit to construction workers who live in the Kilcock Environs and who will be able to avail of the bus service rather than having to drive to Leixlip. The Board conditioned Intel to provide details of intended construction practice for the new Fab development including details of an off-site park and Ride facility. This application will enable compliance with that condition. It is requested that the Board uphold the decision to grant permission in this instance.

9.2 Planning Authority's response to third party grounds of appeal

This response is summarised as follows:

- Reference is made to the planner's report and all technical reports.
- The application was assessed having regard to the Development Plan and proper planning and sustainable development of the area and is deemed to be acceptable.

10.0 PLANNING HISTORY

The Planner's report notes that no planning history was traced to the site and no planning application are noted on the Iplan system for Kildare County Council.

Permissions pertaining to the Intel Campus include:

File Ref. No. 05/296/PL.09.213161 Permission granted for an extension to the existing permitted semi-conductor wafer fabrication factory and the associated development of two number multi-storey car parks, surface car parks, new vehicular entrance and other associated development. The car parks each 3 and 4 stories high consists of 660 and 1300 car spaces respectively.

File ref. No. 11/805 Permission granted in 2011 for an extension to the Process Support Building, a two storey extension to the rear of the Fab24 main production building and associated enclosed exhaust stack and modifications to the yard areas, internal road and underground facilities.

File ref. No. 11/846 Permission granted for the reconfiguration of part of the Intel lands including the demolition of buildings to the west of Fab 10 and to the north of IR1 and the relocation of existing temporary contractor parking (c. 1200 spaces) to the adjacent lands south of Intel at Collinstown Business Park using their existing site entrance.

File Ref. No. 12/435/PL.241071 Permission granted for a large new development within the Intel campus consisting of buildings and ancillary works, alongside existing site infrastructure and buildings, all operating as an integrated campus, for the manufacture of integrated circuits. It was indicated that the project would employ about 3,500 construction workers over approx. two years if permitted. This permission also provides for the construction of a multi-storey car park extending over five levels (including roof level) providing for a total 2,200 car parking spaces.

The two other permitted car parks as mentioned in the planning documentation on file is as follows:

File ref. 12/708 Permission granted for re-use and extension of a temporary car park (Park and Ride facility) for construction staff engaged in construction activities at the Intel Site, Collinstown Industrial Park, Leixlip, at Hewlett Packard site. This permission provided for 852 car parking spaces.

File Ref. 12/725 Permission granted for construction of a temporary car park (park and ride) facility for construction staff engaged in construction

activities at the Intel Site, Collinstown, Leixlip. This site is located at Mooretown, Celbridge and provided for 852 car parking spaces.

File Ref. 13/786/PL.242826 Permission granted for the temporary use of a previously used car park as contractor car parking associated with construction activities on the Intel Campus and temporary use of an existing hard-core surface for same. This permission related to 987 spaces within Intel campus. Condition 2 of this permission sets out that this permission shall be for a period of two years from the date of this order and shall cease on the site unless, prior to the end of the period, permission for a further period shall have been obtained.

Lands in the ownership of the applicant located south west of the appeal site

File Ref. No. 13/9 and 06/2152 An extension of duration of permission was granted for a previously permitted development consisting of a mixed use development consisting of 50. Single storey light industrial units each with mezzanine floor with a combined gross floorspace of 10,218sq.m. which includes 46 no. units of 193sq.m. gross floorspace each and 4 units of 335sq.m. each, a petrol filling station of 100sq.m. gross floor area and a convenience retail of 70sq.m., car-parking and all ancillary site works on a site to the south-west of the appeal site. Access to this site is via a roundabout. The EOT is for up to 21st May 2018.

11.0 PLANNING POLICY

11.1 Smarter Travel – A sustainable transport future, a new transport policy for Ireland 2009-2020.

This document sets out five key goals as follows:

- To reduce overall travel demand;
- To maximize the efficiency of the transport network;
- To reduce reliance on fossil fuels;
- To reduce transport emissions;
- And to improve accessibility to public transport.

11.2 Regional Planning Guidelines, Greater Dublin Area 2010-2022

Kilcock is designated as a moderate growth town in the metropolitan area.

11.3 Kildare County Development Plan 2011-2017

Section 3.4.2 of the development plan identifies that towns in the Metropolitan area will continue to have a strong role as commuter locations within the fabric of continued consolidation of the Metropolitan area. Future growth is related to

the capacity of high quality public transport connections and the capacity of social and physical infrastructure.

Kilcock Local Area Plan 2009-2015

Table 6.1 identifies the regional road R-148 for improvement from the junction with R-148 at Maynooth to county boundary.

The land use zoning objectives map indicates that the site is zoned R1 retail/Commercial and there is also an indicative new roads objective along the western boundary of the appeal site.

12.0 ASSESSMENT

Having examined the file, relevant history files, considered local and national policies, inspected the site and immediate environs, assessed the proposal and all of the submissions on file, I consider the key issues to be:

- Justification for the proposed development
- Compliance with development plan policy
- Traffic considerations
- Environmental Impact Assessment
- Appropriate Assessment
- Other

12.1 Justification for the proposed development

12.1.1 The application details notes that the Park and Ride Facility is to serve the construction workers engaged in construction activities at the Intel site, Collinstown, Leixlip. The EIS and details on the file provide no analysis of the extent of parking that is required to service the Intel site and the permitted parking developments to date. It is noted that the details submitted in relation to the Fab development permitted under File Ref. No. PL.241071 set out that the project would employ 3500 construction workers over approximately two years. This permission also provided for the construction of a multi-storey car park totalling 2,200 spaces. It is noted that there are also three subsequent permissions permitting park and ride facilities for construction workers associated with the Intel development. These permissions are File ref. No's 12/708, 12/725 and 13/786 (PL.242826). These permissions provide for 852, 852 and 987 spaces respectively. Therefore there is combined total of 4,981 spaces permitted to serve the construction workers associated with the Intel plant. As the Fab development indicated that 3,500 construction workers engaged in this particular development, there is a surplus of 1,891 to service other permitted developments within the Intel lands. I note that other parking provisions were provided as part of older history permissions pertaining to Intel but consider that these most likely provide parking for employees within

the Intel campus as opposed to catering for construction workers. In any event I consider that a detailed analysis of parking permitted to date on and off site servicing the Intel campus should have been clearly set out as part of this application to allow for a comprehensive assessment of requirements both now and into the future.

12.1.2 The appeal response to the grounds of appeal from the first party indicates that the proposed P & R facility is to serve future Intel developments over coming years including the new Fab development. No details have been set out to explain what these future developments would be. It is unclear whether the future developments refers to permitted developments not yet enacted or potentially new development which require planning permission. In any event, having regard to the scale and extent of parking provided both on the Intel lands and the P & R facilities that have been permitted elsewhere to serve the Intel plant, it is considered that there is adequate parking to sustain the level of construction work already permitted. I do not consider that adequate justification for an additional 1,200 spaces on a site in Kilcock some 11 kilometres from Intel plant has been demonstrated. The proposal is considered premature if the parking spaces are to serve future development which have not yet secured planning permission.

12.2 Compliance with development plan policy

12.2.1 The appeal site has a land use zoning objective 'R1: Retail/Commercial' which is to "provide for commercial development". The purpose of this zoning is to provide a retail park for the sale of bulky goods and office development only". The zoning matrix and land use objectives indicate that car parks is a permitted use on 'R1' lands that the proposal is such that is considered acceptable in principle. Although having regard to the wording of zoning objective "provide a retail park for the sale of bulky goods and office development only" an argument could be made that the only development to be permitted on the site is that as provided for in the development plan with the provision of parking ancillary to the primary retail park. In any event, I would consider that the proposal for a temporary use as a park and ride facility is not a fundamental departure of the provision of the land use zoning matrix to warrant a refusal.

12.2.2 The grounds of appeal by the third party has raised the issue of the proposal prejudicing the delivery of a spine road within the appeal site which would link the R-148 with the R-158 Summerhill Road. The applicant contends that and appears to put great emphasis on the fact that the extension of the road across the river, canal and railway will be delivered "in the longer term". It is put forward that the long term objective for provision of the spine road is not undermined by the proposed temporary use of the application site.

12.2.3 The land use zoning objective map for the appeal site clearly identifies a road objective to the western boundary of the appeal site leading to an existing roundabout on the R-158 Summerhill Road. This road would be required to be constructed over the existing Dublin to Sligo rail-line and also over the Rye Water River. It is noted that a substantial portion of the lands located north of the appeal site are zoned as agriculture which would most likely impact on the delivery of the road in the shorter term. In any event, there is an objective to provide a road at this location and in the absence of any further details regarding this road within the Kilcock Local Plan, it is considered that any development that is considered on this site should make provision for the route of the proposed road so as not to impact on its potential delivery whether in the short or longer term. This issue could have been easily addressed within the application by reserving a sufficient area within the 5.5 hectare site for the delivery of the road. It is not acceptable to permit development even temporary development on lands which clearly gives rise to a conflict in achieving specific objectives in the local area plan.

12.2.4 The response to the grounds of appeal by the First Party indicates that the road is indicative and may not be provided on the appeal site at all. I find this statement difficult to reconcile given that the objective would appear to be to link the R-148 with the R-158 and it is difficult to see where else the road would be located. I consider that the “indicative” nature of the proposal refers to the final layout/position of road generally in the vicinity of where it is indicated.

12.3.0 Traffic considerations

12.3.1 A traffic impact assessment was prepared as part of this application with an addendum to this section of the EIS submitted by way of further information. The Further information request specifically required consideration of permitted P & R facilities to serve the Intel lands. The EIS sets out that the aim of providing the P & R facility is to minimise the potential impact of construction related traffic on road links and junctions in the vicinity of the Intel site. It is expected that the dispersion of traffic to these P & R facilities would lessen the impact of construction traffic in the Leixlip area. A survey of existing traffic conditions was carried out on a Friday, considered to be the busiest day of the week. Traffic count results are contained in Appendix 5 of EIS.

12.3.2 With regard to access it is proposed to introduce a fourth arm to the northern section of the existing roundabout to the R-148 to provide access to the site. The proposed arm would take the form of a 7.0m wide road incorporating radii of 17.5metres. The Planning Authority did not have any concerns regarding the proposed access. In general having regard to the existing characteristics

of the site and the immediate area it is considered that the provision of a fourth arm to the roundabout to service the P&R facility is acceptable and would minimise any impact to existing traffic movements along the R-148.

12.3.3 With regard to expected trips, it is set out that the proposed number of employee cars expected to arrive during the day would be 1200 (maximum amount) and 36 bus trips. With regard to traffic impact the EIS assumes a worst case scenario where all vehicles (employee cars and buses) would arrive and depart the site during the critical AM and PM peak periods. It is noted that a development to the south-west of the appeal site has been permitted but not yet constructed consisting of a mixed use development comprising of 50 industrial units. It is set out that this application was granted to the applicant and it is not intended to carry out this development during the lifetime of the P & R facility. I consider that provision should have been made for the inclusion of traffic associated with this development as there would be no mechanism to prevent the development from proceeding if the applicant so wishes while the P & R is in operation.

12.3.4 The capacity of the roundabout junction was examined using the computer modelling program ARCADY5. The traffic modelling period covers the recorded critical AM and PM peak periods at 2017 with 10% traffic growth on the surrounding road network. The results indicate that the existing roundabout junction with an additional fourth arm serving the P & R facility can accommodate the traffic growth at 2017 and 100% of the projected levels of traffic associated with the proposed facility. There would be minimal queuing arising as indicated in the results. The EIS concludes that the proposed development would have a negligible impact on the existing operation of road links and junctions in the vicinity of the application site.

12.3.5 With regard to cumulative impact it is set out that the cumulative traffic impact of the two approved P&R sites and the proposed Kilcock P&R site is approximately 263 bus movements on the R148 over the course of the day. This equated to 4.1% increase over existing traffic levels on the R148. In general, it is considered that the temporary use of the site as a park and ride facility does not give rise to a significant increase in traffic movements that would affect the carrying capacity of the R-148 or the capacity of the roundabout. The bus routes are to be confined to the M4.

12.4.0 Environmental Impact Assessment

12.4.1 The EIA Directive requires that an environmental assessment be carried out by the competent national authority for certain projects that are likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location, before development consent is given. The proposed development

is for a park and ride facility. Schedule 5, Part 2 of the Planning and Development Regulations identifies that construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development requires an EIS. The applicant submitted an EIS with the application which as set out in Section 4 of this report technically is considered to comply with the requirements of the Regulations.

12.4.2 Identification of the likely significant direct and indirect effects of the project on the environment.

Having regard to the submitted EIS, the nature and scale of the proposed development and pursuant to a site inspection and examination of all documentation on file, I have summarised the main likely significant effects under the following headings:

Human Beings

- Noise
- Lighting
- Visual impact
- Construction traffic.

Flora and Fauna

- Effects on cSAC (River Rye)
- Loss of recolonizing bare ground habitat
- Impact on species

Soils and geology

- Effects on soils

Water

- Effects on existing water environments (surface and groundwater) and quality of water.
- Effects on water habitats downstream of development

Air, Climate, Noise and Vibration

- Noise disturbance including cumulative noise impacts to residence

- Construction noise

Landscape and visual impact

- Impact on landscape character

Cultural Heritage

- Effects on archaeology and built heritage

Material Assets

- Impact on road network

Interactions

- Humans and noise, visual impact and water
- Flora and fauna and water and noise.

12.4.3 Description of the likely effects identified

The likely anticipated effects arising from the development include the following:

Human Beings

- Traffic congestion
- Short term local disruption at the construction stage – noise, traffic management, vibration.

Flora and Fauna

- Disturbance and impacts on drainage.
- Disturbance of and displacement of certain species

Soils and geology

- Impact on water quality and quantity.

Water

- Undermining water quality.

Air, Climate, Noise and Vibration

- Noise disruption/vibrations due to increased traffic during operation

Landscape and visual impact

- Alteration of the existing landscape character

Cultural Heritage

- Disturbance to or destruction of undiscovered on-site archaeological remains

Material Assets

- Increase in traffic and impact on road network during operational period.

Interactions

- The effects of the interactions between human beings and increased traffic levels are implicit in the range of preceding issues listed.

12.4.4 Assessment of the likely significant effects identified, having regard to the mitigation measures.

Consideration has been given to the range of likely significant effects of the proposed development. The following is an outline of the most important mitigation measures proposed to be employed which is considered necessary to address the range of potential significant impacts arising from the proposed development.

Human Beings

Disturbance to residents: Commitment to programme construction traffic to avoid peak traffic flow associated with Intel operational shift patterns. Implementation of traffic movement plan.

Visual Impact: Provision of green chain link fence with hoarding inside to southern boundary with planting located between the fence and the public footpath.

Lighting: Use of cowled/directional lighting.

Flora and Fauna

Impacts on habitats and vegetation: Loss of re-colonising bare ground but existing tree-lines to be retained and root protection measures to be implemented.

Species impact: Monitoring newts and frogs, avoidance of construction work during breeding season.

Water

Water quality: Maintain surface water run-off at a greenfield rate.

Impact to existing well: Parking and circulation to be located away from the vicinity of well.

Existing man-made ponds: To be filled in with spoil.

Air Quality, Climate, Noise and Vibration

Air emissions: Dust minimisation plan proposed

Noise: A rise of 3dB(A) identified at nearest noise sensitive receptors. Monitoring of noise levels over duration of operation can be done if conditioned.

Landscape and visual impact

Impact on landscape character: Siting and design of development to minimise impact.

Cultural Heritage

Effects on archaeology: Works to be monitored by a licensed archaeologist.

Material Assets

Impact on road network: Traffic management plan

12.4.4 Conclusions regarding the acceptability or otherwise of the likely residual effects identified

In general, it is considered that the likely residual effects arising from the proposed development will be negligible given that the proposed development is for a temporary period of 4 years. Thereafter the site is to be reverted back to vacant/agricultural use with all structures associated with the car park to be removed.

12.4.5 Alternatives

The EIS sets out in Section 2.0 alternatives considered. Reference is made to two permitted park and ride facilities off-site at Mooretown, Celbridge (File Ref. 12/725 and at Hewlett Packard Leixlip (File Ref. 12/708). The EIS makes reference to the locational criteria considered for alternative sites. However no alternative sites were identified in the EIS. With regard to alternative design and processes the EIS sets out that 1,500 spaces could be provided on site however that the layout was designed to have regard to retention of existing

tree stands, set-back from water storage, set back to minimise groundwater impact.

Having regard to specific requirements of Schedule 6 of the Planning and Development Regulations that “an outline of the main alternatives studies by the developer and an indication of the main reasons for his or her choice taking into account the effects on the environment” I am not satisfied that such has been provided. No details of any other sites considered were submitted. Whilst criteria that influenced a decision were outlined, this is not considered sufficient. It is unclear whether any other site was in fact considered. Having regard to the substantive reason for refusal pertaining to justification for the proposed development and that the proposal would prejudice the realisation of a road objective it is not considered necessary to seek further information regarding this issue.

12.5.0 Appropriate Assessment

12.5.1 Introduction

Appropriate assessment (AA) considers whether the plan or project alone or in combination with other projects or plans will adversely affect the integrity of a European site in view of the site’s conservation objectives and includes consideration of any mitigation measures necessary to avoid, reduce or offset negative effects. The requirements for AA, stems directly from Articles 6 (3) and 6 (4) of the Habitats Directive 92/43/EEC.

The following are Natura 2000 sites located within a 15 kilometres radius of the appeal site:

| Natura 2000 Site | Distance from appeal site |
|-----------------------------|----------------------------------|
| Rye Water Valley/Carton SAC | 7.5km west of appeal site |
| Ballynafagh Bog (SAC) | 14km south of the appeal site |
| Ballynafagh Lake (SAC) | 14km south of the appeal site |

12.5.2 First Party’s screening report

A screening report has been submitted for the proposed development. The report sets out a description of the site and proposed development. The report

identifies three Natura 2000 sites within 15kms of the appeal site: Rye Water Valley SAC; Ballynafagh Lake SAC; Ballynafagh Bog. The report also includes sites downstream in the screening process: North Dublin Bay SAC; South Dublin Bay and River Tolka Estuary SPA. The assessment sets out that the proposed development will not result in the loss or reduction of any habitats for which SAC in the wider vicinity are designated. Habitat loss will be confined to colonizing bare ground and amenity grassland on the site itself. There will be no abstraction of water and no direct or indirect emissions to water. The screening report sets out that due to the distance from the Rye Water Valley/Cartron cSAC and the nature of the intervening topography it is regarded that impacts from the proposed works will not give rise to impacts on the cSAC. It is set out that the proposed development will not result in the disturbance of any species for which the SACs in the vicinity are designated. It is set out that although not listed as qualifying features of the SAC, the Rye Water supports a range of internally-protected species including Atlantic salmon, white-clawed crayfish, lamprey, otter and kingfisher. The proposed development works will take place at a sufficient distance from the boundary of the cSAC to ensure that these species are not disturbed. With regard to in combination effects, the report sets out that from the initial screening it is concluded that there will be no significant impact on the Rye Water Valley/Cartron SAC arising from the proposed construction of temporary car park and its subsequent removal. The proposed development will not have a significant impact on the Natura 2000 network.

12.5.3 Appropriate Assessment

The appeal site is located some 7.5km east from the Rye Water River. There is no direct relationship between the site and the Rye Water and the EIS sets out that there are no known hydrological links. Having regard to the nature of the proposed development sought together with the source-pathway-receptor model, I would not consider that an NIS or Appropriate Assessment is necessary in this case in light of the conservation objectives identified for the three sites located within 15 kilometres of the appeal site. There has been extensive recent history associated with the Intel facility where appropriate assessment was undertaken for each application as appropriate. Reference is also made by the Planning Authority to a permitted Part 8 for a cycle track to the north of the appeal site along the Canal. In this regard consideration has been given to in-combination effects arising from the proposed development. I consider it reasonable to conclude that on the basis of the information available that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European site No. 001398 in view of the site's conservation objectives.

12.6.0 Other

Concerns were raised in the grounds of appeal about the lack of information regarding bus shelters, signage and lighting all of which were conditioned to be agreed with the Planning Authority. In this regard, I note that the location of the 3 bus shelters were indicated on the plans submitted. I do not consider that the location of these give rise to concerns on the existing amenities of the area. Further signage details are to be limited to directional signage only as indicated in the documentation submitted. With regard to lighting, the plans submitted indicates the location, number and height of lighting stands which are to be positioned such that they reflect downwards or into the site.

With regard to berming, the applicant has indicated that the consequential rise in noise levels above the existing noise levels of nearest noise sensitive receptors is in the order of approx. 3dB(A) and as such it is considered that berming is not required particularly given the temporary nature of the proposed use.

Further the application is for 1200 parking spaces and as such that is the maximum number that should be permitted. The EIS submitted and the EIA undertaken by this inspector was based on this figure. It is not appropriate for any condition to imply that additional spaces over and above this number may be provided in the absence of a separate planning application.

13.0 CONCLUSION

It is considered that the application and documentation submitted with the appeal fails to provide a demonstrable need or justification for the proposed development having specific regard to the scale and extent of parking already permitted to serve the Intel campus. Further the EIS failed to detail alternative sites considered prior to selecting this site. The proposal would also prejudice the delivery of a road objective that is clearly indicated on the objectives map for Kilcock. The proposal is therefore considered contrary to the proper planning and sustainable development of the area.

14.0 RECOMMENDATION

It is recommended that permission for the proposed development be refused for the following reasons and considerations:

REASONS AND CONSIDERATIONS

1. Having regard to the permitted level of parking both within the Intel campus and off-site, the Board is not satisfied that adequate justification has been provided for the proposed Park and Ride facility that is to serve the workers

engaged in construction activities at the Intel campus in Collinstown, Leixlip. In the absence of a clearly demonstrable need for the proposed facility, and details regarding alternative sites that were considered prior to selecting this site taking into account their effects on the environment as required in Schedule 6 of the Planning and Development Regulations, as amended, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The proposed development, notwithstanding the temporary nature of the proposal, would prejudice the delivery of a specific road objective that is indicated on the land use zoning objectives map contained in the Kilcock Local Area Plan 2009-2015. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

Joanna Kelly

Inspectorate

23rd September 2014