



An
Bord
Pleanála

Board Direction
BD-004523-19
ABP-304672-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/11/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the provisions of the Regional Planning Guidelines for the Greater Dublin Area 2010-2022, including the identification of Maynooth/Leixlip as a “core economic area”,
- (b) the provisions of the Kildare County Development Plan 2017-2023 and the Leixlip Local Area Plan including the zoning of the subject lands under the local area plan for industry and warehousing,
- (c) the nature and extent of the proposed development which consists of a revised design and configuration together with an extension to the previously permitted manufacturing facility under An Bord Pleanála Ref. No. PL09.241071 and PL09.248582,
- (d) the pattern of existing development and land uses within the vicinity of the site and the planning history of the overall area,
- (e) the submissions made in connection with the planning application and appeal, and

- (f) the applicant's requirement to apply to the Environmental Protection Agency for a review of their existing industrial emissions license (Reg. No. P0207-04) for the expanded facility,
- (g) the submissions and observations received
- (h) the report of the inspector

Stage 1 Appropriate Assessment Screening.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European sites, in view of the site's Conservation Objectives other than the Rye Water Valley/Carton SAC (Natura 2000 Site Code 001398) which is the European site for which there is a likelihood of significant effects. In reaching this conclusion, the Board took no account of measures intended to reduce or avoid potentially harmful effects of the project on any European Site.

Stage 2 Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Site Rye Water Valley/Carton SAC (Natura 2000 Site Code 001398) is the European site for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for the nearby European Site in view of the site's Conservation Objectives, Site Rye Water Valley/Carton SAC Natura 2000 Site Code 001398). The Board considered that the information before it allowed for the carrying

out of an Appropriate Assessment, facilitating a complete assessment of effects, and reaching precise, definitive findings.

In completing the assessment, the Board considered, in particular, the

- i) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii) mitigation measures which are included as part of the current proposal,
- iii) Conservation Objectives for the European Site,

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential adverse effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European site in view of the site's conservation objectives, and no reasonable scientific doubt remains as to the absence of such effects.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development in compliance with Section 172 of the Planning and Development Act 2000 (as amended), taking into account:

- (a) The nature, scale and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted with the planning application;
- (c) The COMAH Report
- (d) The submissions received from the planning authority, the observers and the prescribed bodies in the course of the application; and
- (e) The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and

describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the EIAR complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application and the appeal.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Positive long-term impacts on population and employment creation resulting from both the construction and operational phases of the proposed development. Negative short-term effects on residential amenity resulting from the construction phase of the proposed development primarily through increased levels of noise and traffic due to the excavation and construction activity proposed on site. The impact will be somewhat mitigated by the implementation of the construction environmental management plan and noise abatement measures.
- Modest impacts have been identified in terms of increased traffic generation arising from the proposed development both during the construction and operational phases particularly, on the roads along the southern boundary of the site (the R148) and the link road to Junction 6 on the M4 (the R449).
- The proposal will also give rise to increased demand for supporting infrastructure serving the development including electricity, water supply, gas supply and wastewater treatment facilities. The various utility companies have indicated that such infrastructure is currently available to serve the development. It is envisaged that electricity supply for both the Intel site and the surrounding area will be augmented under an Eirgrid proposal to provide a new 220 kV switchgear substation to serve the area.

- Residual impacts associated with the additional energy demand particular electricity and gas will result in increases in releases of omissions with global warming potential (in common with all domestic, commercial and industrial combustion sources in Ireland). However, the activity to which the proposed development relates requires a license under the EPA Act 1992 and the EPA will assess all matters to do with emissions to the environment from the activities proposed during the license application process.
- The proposed development will result in a direct visual impact particularly in relation to properties to the north-west of the subject site. However, it is not anticipated that the proposed development will in any way impact on the setting and integrity of the various historic demesnes and protected structures in the surrounding area. The direct visual impact can be mitigated to some extent by landscaping and incorporating appropriate external finishes to the facades of the buildings proposed.
- The proposed development will also have a direct impact on waste generation particularly during the construction phase. All hazardous and non-hazardous waste generated by the excavation of materials on site will be reused where appropriate and will be disposed of in an appropriate manner where required including the use of licensed waste contractors. During the operational phase, the proposed development will give rise to additional waste quantities both of a hazardous and non-hazardous nature. As in the case of the construction phase, this waste will be disposed of in an appropriate manner.
- The EIAR has considered the main significant direct, indirect and cumulative effects arising from the proposed development on the receiving environment and it is considered that any potential impacts can be primarily mitigated by environmental management measures set out in the EIAR. Following mitigation, it is considered that no significant residual long-term negative impacts on the environment or on sensitive receptors would result from the proposed development. The positive benefits of the proposed development primarily through increased investment and employment generation would outweigh any of the negative impacts arising during the construction and operational period. I am therefore satisfied that the proposed development

would not have an unacceptable direct, indirect or cumulative impact on the environment during either the construction or operational phase.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector. The Board is satisfied that the reasoned conclusions are up to date.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute a reasonable and orderly expansion of the existing manufacturing use at this location in accordance with the planning policies at regional, county and local level, would not seriously injure the amenities of the area or property in the vicinity, would not seriously detract from the architectural character or setting of protected structures in the surrounding area, would not be prejudicial to public health or pose an unacceptable risk to environmental pollution or an unacceptable risk to public safety, and would be acceptable in terms of traffic safety and convenience of road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 to the planning authority on the 4th day of April, 2019, 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 the commencement of development and the

development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures set out in the Environmental Impact Assessment Report and the Natura Impact Statement and the COMAH Land Use Planning Assessment of the Revised Design of the Proposed Extension to Previously Permitted Manufacturing Building and Intel Ireland Limited and other details submitted to the planning authority shall be implemented in full during the construction and operation of the development.

Reason: In the interest of clarity.

3. The period during which the development hereby permitted to be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature and extent of the development, the Board considered it is appropriate to specify a period of validity of this permission in excess of five years.

4. Details of the materials colours and textures of all external finishes to the proposed buildings including details of any signage, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Details of aeronautical requirements, including any necessary lighting on tower cranes and stacks shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Subsequently the developer shall inform the planning authority, Department of Defence and the Irish Aviation Authority of the coordinates of the as constructed positions of the tower crane and stacks.

Reason: In the interest of air traffic safety.

6. Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority the following:
 - (a) Proposals to minimise the impact of the proposed development on Blakestown House and Garden during the construction and operational phase.
 - (b) Proposals for the conservation, renewal and maintenance and use of Nelson's Cottage.

Reason: In the interest of architectural heritage and visual amenity.

7. Prior to the commencement of development, a mobility management plan for the proposed development prepared by the developer shall be implemented in full. A mobility manager shall be appointed by the developer to prepare, deliver, review and monitor the mobility management plan and shall liaise with the planning authority and Transport Infrastructure Ireland in relation to the delivery of the plan.

Arrangements for the monitoring and regular review of the mobility management plan shall be agreed and submitted to the planning authority for a written agreement prior to the commencement of development. The first review shall be undertaken six months after the commencement of construction of the proposed development and thereafter reviews shall take place annually for a period of five years. Where targets or objectives in the mobility management plan are not met this five-year period may be extended at the discretion of the planning authority. The dates for undertaking the studies of surveys associated with each review shall be submitted to and agreed in writing with the planning authority at least 14 days prior to the event.

Corrective action arising from the mobility management plan review shall be agreed in writing with the planning authority prior to implementation. All costs associated with the mobility management planning and monitoring review of the mobility management plan shall be at the developer's expense.

Reason: To secure the most sustainable travel patterns appropriate to the construction and operation of the proposed development.

8. Prior to the commencement of each stage of construction the developer shall submit to the planning authority for formal written agreement the following:
 - (a) Details of the proposed staggering of four different shifts for construction traffic as identified in the Transport Assessment and details of the proposed implementation and ongoing monitoring of these shifts and travel to and from the site.
 - (b) Details of the programme and infrastructure for the monitoring of traffic and queuing on the local road network, the proposed local road improvements and the monitoring of traffic and queuing on the approaches to the M4 Junction 6 interchange during and after the construction period. The cost of the design and implementation of these monitoring works and infrastructure shall be borne solely by the developer. The developer shall liaise with Transport Infrastructure Ireland prior to submitting details to the planning authority in this regard.
 - (c) If the planning authority determine that based on the results of the monitoring programme referred to above signalised infrastructure is required at the M4 Junction 6 Interchange either during or after the construction period, the developer shall submit for the written agreement of the planning authority, in liaison with Transport Infrastructure Ireland detailed design proposals for the improvements of the M4 Interchange as set out in the submission by the developer details of the design implementation, costing and phasing of these works including MOVA control, control pedestrian crossings and traffic related CCTV facilities shall be included within the proposals and agreed in writing with the planning authority prior to commencement of any works associated with the external public road. The cost of the design and implementation of these works shall be borne solely by the developer.

Reason: To ensure the safe operation of the road network, to prevent queuing on the local road and the M4 Interchange and to reduce the impact of vehicle trips on the local road network particularly at peak times.

9. Prior to the commencement of any works associated with the external public road network, the developer shall submit the following to the planning authority for formal written agreement.
 - (a) A detailed design of the proposed pedestrian and cycle facilities and crossings for the proposed development.
 - (b) A sweep path analysis such as autotrack to demonstrate manoeuvrability for HGVs and construction traffic accessing the development.
 - (c) Detailed design proposals for infrastructure improvements on the R148/R449 junction and improvements to the R148 at the site frontage of the development including the Intel access junctions and the improvements to the R449 at the approach to the R148/R449 junction.
 - (d) Where it is proposed to remove/replace bus stops on the R148, the written consent from the existing bus operators/NTA relating to the moving of any bus stop locations and the provision of bus shelters if required.

Reason: In the interest of traffic safety and sustainable transport.

10. Prior to the commencement of any works associated with the public road network the applicant shall submit to the planning authority for written agreement detailed design proposals for the upgrading of existing traffic control signalling equipment and the provision of traffic related CCTV facilities at external junctions surrounding the Intel site. Details of the design implementation, costing and phasing of these works shall be borne solely by the developer.

Reason: In the interest of traffic and vulnerable road users' safety.

11. Prior to the commencement of development of any works associated with the external public road network the developer shall submitted a detailed Road Safety Audit Stage 2 and subsequently a detailed Road Safety Audit Stage 3 carried out by an independent, approved and certified auditor for the proposed development and the proposed infrastructure improvement work required by the conditions of this permission. The road safety audit recommendation shall be incorporated into the detailed design. The cost of the road safety audits shall be borne solely by the developer.

Reason: In the interest of traffic and vulnerable road users' safety.

12. (a) 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.
- (b) Comprehensive design proposals of the proposed surface water management system including the attenuation/retention pond shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure adequate servicing of the development, minimise flood risk and prevent pollution.

13. Prior to the commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

14. The internal road network and circulation layout for the proposed multi-storey car park including turning bays, junctions, footpaths, kerbs and cycle lanes shall comply with the detailed standards of the planning authority for such works.

Reason: In the interest of traffic and pedestrian safety.

15. Lighting both within the site and on the external roadways which are subject to improvement works shall be provided in accordance with a scheme to be agreed in writing with the planning authority. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall minimise light pollution and shall minimise external lighting outside operational hours.

Reason: In the interest of amenity and public safety.

16. 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 the commencement of development. This plan shall provide details of intended construction practice for development including:

- a) Hours of site development and building works.
- b) The location of site and material compounds including areas identified for the storage of construction refuse.
- c) Location of areas for site offices and staff facilities.
- d) Details of site security fencing and hoardings.
- e) Details of car parking facilities for site workers during the course of construction.
- f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage to include proposals to facilitate the delivery of abnormal loads on site.
- g) Measures to obviate the queuing of construction traffic on the adjoining road network.
- h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of the site development works.
- j) Details of appropriate mitigation measures for noise, dust and vibration and monitoring of such levels during the construction phase.
- k) A vibration management plan including monitoring proposals.
- l) Containment of all construction related fuel and oil within appropriately constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater. Details shall include proposals for ground and surface monitoring.
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutions enter local surface water sewers or drains.
- n) Details of a liaison officer and complaints line shall be established by the developer to deal with issues and complaints as they arise.

A record of daily checks that the works are being undertaken in accordance with the construction management plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenity, environmental protection and public health and safety.

17. Prior to the commencement of development, a comprehensive landscaping scheme including details of all boundary treatment shall be submitted to, and agreed in writing with, the planning authority. This scheme shall include details of all existing trees and hedgerows on site specifying those proposed for retention, together with measures for the protection during the period in which the development is to be carried out. The site shall be completed and landscaped in accordance with the agreed scheme which shall also include a timescale for implementation.

Reason: In the interest of visual amenity.

18. 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.

Board Member

Date: 18/11/2019

Paul Hyde