



An
Bord
Pleanála

Board Direction
BD-004555-19
ABP-304862-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/11/2019.

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 particular regard to the following:

- (a) the provisions of Project Ireland 2040 – the National Planning Framework,
- (b) the provisions of the Regional Planning Guidelines for the Greater Dublin Area 2010 – 2022 and, in particular, the designation of Maynooth/Leixlip as a 'core economic area' in the said Regional Planning Guidelines,
- (c) the provisions of the Kildare County Development Plan 2017 – 2023 and the Meath County Development Plan 2013 – 2019 (as varied),
- (d) the Leixlip Local Area Plan 2017 – 2023,
- (e) the nature of the landscape and the absence of any specific conservation or amenity designation relating to the site for the GIS substation and the proposed route to link in with the Maynooth/Woodlands 220kV overhead cable,
- (f) the pattern of development in the area, including the location of historic demesnes and protected structures in the area, the proximity of the existing Intel Ireland facility and the separation distance of the site from existing dwellings and historic demesnes,

- (g) the submissions on file, including those from the local authorities and prescribed bodies,
- (h) the documentation submitted with the application, including the Environmental Report and the Natura Impact Statement, and
- (i) the report of the Senior Planning Inspector.

The Board was satisfied that the information available on file was adequate to fully evaluate the proposed development in accordance with the proper planning and sustainable development of the area and to enable the Board to complete an Appropriate Assessment in relation to the potential adverse effects on the integrity of European Sites in the vicinity.

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 Rye Water Valley/Carton Special Area of Conservation (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.

Conclusion on Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the mitigation measures set out in the Natura Impact Statement, and the mitigation measures set out in the Environmental Report submitted with the application, and, subject to compliance with the conditions set out below, the proposed development:

- would be in accordance with national policies and guidelines and with regional and local development policy,
- would not seriously injure the amenities of the area or of property in the vicinity,
- would not seriously injure the visual or recreational amenities of the area,
- would not be prejudicial to public health or safety,
- would not detract from the character or setting of features of architectural or archaeological heritage,
- would not seriously injure the biodiversity in the area,
- would not seriously detract from the cultural heritage of the area, and
- would be acceptable in terms of traffic safety and convenience.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, including the mitigation measures specified in the Environmental Report and the Natura Impact Statement, lodged with the application for approval with An Bord Pleanála on the 8th day of July, 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 relevant planning authority, the developer shall agree such details in writing with the relevant planning authority prior to commencement of development and

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

Reason: In the interest of clarity.

2. All mitigation measures set out in the Environmental Report and the Natura Impact Statement and associated documentation shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and to protect the environment during the construction and operational phases of the proposed development.

3. Details of all landscaping around the GIS substation shall be agreed in writing with the relevant planning authority prior to commencement of development. In terms of mitigation, the following shall take place:
 - (a) Specific tree protection measures shall be implemented in order to ensure the protection of the specimen tree within the curtilage of Ravensdale House indicated at CH6 in Figure 36 of the Environmental Report submitted with the application. Details of all protection measures shall be agreed in writing with the relevant planning authority prior to commencement of development.
 - (b) In accordance with Section 17.2.6 of the Kildare County Development Plan five semi-mature trees shall be replanted for every mature tree felled as part of the proposed development.

Reason: In the interest of visual amenity.

4. Construction of the proposed development shall be completed in accordance with the Outline Construction and Environmental Management Plan, details of which shall be agreed in writing with the relevant local authorities prior to commencement of development. The plan shall incorporate the following mitigation measures:
- (a) The location of the site and material compound, including areas identified for storage and construction refuse.
 - (b) The location of areas for construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings.
 - (d) Details of on-site car parking facilities for site workers during the course of construction.
 - (e) 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.
 - (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
 - (g) Measures for the protection of all road surfaces, culverts, watercourses and ditches during construction. Details of any alterations or replacement of bridges or culverts shall be agreed in writing with the Office of Public Works prior to commencement of development.
 - (h) Details of appropriate mitigation measures for noise, dust and vibration, including the monitoring of such levels during the construction phase.

- (i) Details of the containment and bunding of all construction-related fuels, oils and hydrocarbons within specially-constructed bunds to ensure that any fuel spillages are fully contained.
- (j) The management of construction/demolition waste, including details of how it is proposed to manage any excavated soil on site.
- (k) Measures to protect the Hamwood Stream and Rye River, including the incorporation of silt fences along both sections of the river which could potentially be polluted as a result of construction works carried out on site.
- (l) A protocol for reporting and monitoring all accidental spillages during the construction and operational phase that may cause soil contamination of groundwater or surface water pollution.
- (m) A water and sediment management plan providing for the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter the local watercourses or drains.
- (n) Details of a water quality monitoring and sampling plan for the Hamwood Stream and Rye Water River.

Reason: In order to prevent pollution.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall:
- (a) notify the relevant planning authority in writing at least four weeks prior to the commencement of any site operations (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements acceptable to the relevant planning authority for the recording and for the removal of any archaeological material which the planning authority considers appropriate to remove.

In default of an agreement with any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. During the construction phase of the proposed development the noise level from within the premises, measured at noise sensitive locations in the vicinity, shall not exceed:
- (a) an $L_{Ar}(1 \text{ hour})$ value of 70 dB(A) during the period 0700 to 1900 hours from Monday to Saturday (inclusive), and

(b) an $L_{Aeq(15 \text{ minutes})}$ value of 45 dB(A) at any other time.

All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R 1996/1, 2 and 3, "Description and Measurement of Environmental Noise", as appropriate.

Reason: To protect the amenities of properties in the vicinity of the site.

7. (a) During the operational phase of the proposed development, the noise level arising from the proposed development, as measured at the nearest noise sensitive location, shall not exceed:

(i) An L_{AeqT} value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour.]

(ii) An L_{AeqT} value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component. [At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.]

(b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R1996 1, 2 or 3 "Description and Measurement of Environmental Noise" as applicable.

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

8. The colour and finishes of the external materials of the substation shall be agreed in writing with the relevant planning authority prior to commencement of development. No roof-mounted plant or equipment shall be permitted on the roof of the substation.

Reason: In the interest of visual amenity.

9. Water supply and drainage arrangements, including arrangements for the disposal of surface water, shall be agreed in writing with the relevant planning authority prior to commencement of development.

Reason: In the interest of orderly development.

10. The developer shall enter into a water and wastewater connection agreement with Irish Water prior to commencement of development.

Reason: In the interest of orderly development.

11. Details of sightlines at Access 1, as indicated on Figure 1 of the Traffic and Transport Assessment submitted as Appendix F of the Environmental Report, shall be agreed in writing with the relevant planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

12. The developer shall pay to Meath County Council 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.

13. The developer shall pay to Kildare County Council 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: 20/11/2019

Paul Hyde