

An
Bord
Pleanála

Board Direction
BD-017311-24
ABP-317304-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/08/2024.

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

Having regard to:

- (a) the nature of the proposed development, which in essence is a relatively minor alteration to the Maynooth-Ryebrook and Dunfirth-Kinnegad-Rinawade 110kV circuits resulting in a net increase of c. 450 linear metres and 3 no. lattice towers,
- (b) the location of the proposed development primarily on zoned industrial lands under the provisions of the Leixlip Local Area Plan 2020-2023 (as extended), which seeks to *inter alia* support Leixlip as an employment hub generally and promote enterprise and employment development at Collinstown specifically,
- (c) the provisions of the Kildare County Development Plan 2023-2029, which identifies Leixlip as a Self-Sustaining Growth Town and attractor to high-tech manufacturing and research employment, and seeks to support existing Foreign Direct Investment (FDI) large industrial companies in sustaining and expanding their businesses at appropriate locations,
- (d) the provisions of the Regional Spatial and Economic Strategy 2019-2031, which identifies Leixlip within the Metropolitan Area Strategic Plan (MASP) and its

employment lands as a strategic location, with the Collinstown site specifically noted for its employment potential,

- (e) the provisions of the National Planning Framework, which notes that strategic employment growth at regional, metropolitan and local level should include consideration of locations for expansion of existing enterprises,
- (f) the submissions made from prescribed bodies and members of the public at application stage,
- (g) the grounds of appeal and the applicant's response to same,
- (h) the observation made at appeal stage, and
- (i) the Inspector's report and recommendation,

the Board considered that, subject to compliance with the conditions set out below, the proposed development, which would divert an existing constraint over strategic employment lands to the periphery, would not seriously injure amenities, give rise to, or increase the risk of flooding, adversely impact on public health, or adversely impact on the natural heritage of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Stage 1:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that

- (a) Rye Water Valley/Carton SAC (Site Code: 001398)
- (b) North Dublin Bay SAC (Site Code: 000206)
- (c) South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024)
- (d) North Bull Island SPA (Site Code: 004006)

are the European sites for which there is a potential for significant effects and for which Appropriate Assessment is, therefore, required.

Appropriate Assessment Stage 2:

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the

proposal for the European Sites, in view of the Sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposal both individually or in combination with other plans or projects, specifically upon the European Sites,

- i. Mitigation measures which are included as part of the current proposal,
- ii. Conservation Objectives for these European Sites, and
- iii. Views of prescribed bodies in this regard.

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 effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives.

Environment Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- the nature, scale, location, and extent of the proposed development;
- the Environmental Impact Assessment Report and associated documentation submitted with the application;
- the submissions received during the course of the application; and
- the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. 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.

Reasoned Conclusion for Environmental Impact Assessment

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below.

The main significant effects, both positive and negative, are:

- **Population and human health:** Effects on population and human health will generally be positive (enhanced efficiencies and productivity at the Intel campus facilitated by the proposed development with associated economic and social benefits by way of direct and indirect jobs, increased expenditure on goods and services), there will be no appreciable negative effects in terms of tourism, amenity or heritage. Some temporary negative effects in terms of annoyance, nuisance and disruption will arise during the construction phase however these will be temporary in nature, will be appropriately mitigated and will not give rise to long-term negative effects.
- **Biodiversity (including ornithology):** Neutral effects on wintering and breeding bird populations as the primary source of collision/mortality risk, the electrical conductors (OHL), are to be marginally relocated, and bird collision risk will largely be mitigated by bird warning markers.
- **Material Assets, Cultural Heritage and the Landscape:** Significant direct effects on the landscape through the alteration of the appearance and character of the area from a number of specified viewpoints, although these alterations are highly localised to the public spaces east of proposed towers T4 and T5, and

will largely be mitigated by the absorption opportunities provided by the existing landscape/streetscape, landform and vegetation along the Royal Canal.

Having regard to the above, the Board is satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment. The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision and that the information contained in the EIAR complies with the provisions of Article 3, 5 and Annex (IV) of EU Directive 2014/52/EU.

Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted with the planning application, as modified by further information received by the planning authority on the 6th day of March 2023 and in accordance with the mitigation and monitoring measures and the timescale for their implementation contained in the submitted Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS), as modified, except as may otherwise be required by the following conditions. The developer shall appoint a project manager with appropriate experience to ensure the implementation of the mitigation and monitoring measures within the timescales listed.

Reason: To clarify the plans and particulars for which permission is granted and to ensure that the mitigation and monitoring measures contained in the EIAR are implemented in a timely manner and those contained in the NIS are implemented to avoid any likelihood of significant effects on any European site, having regard to the qualifying interests and conservation interests for any such site.

2. The route of the permitted transmission line shall not be altered, notwithstanding the provisions of Class 28 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, unless authorised by a separate grant of permission.

Reason: To protect sensitive environmental receptors in the vicinity and in the interests of visual amenity.

3. Bird warning markers shall be provided, in accordance with details to be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To protect wild birds whose flight paths cross the route of the transmission line.

4. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

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

5. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

6. Noise from the construction phase of the proposed development shall not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations which exceed 70 dB(A) (LAeq 1 hour) between 0800 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays) and between 0800 and 1300 hours on Saturdays when measured at any noise sensitive location in the vicinity of the site. Sound levels from the development site works shall not exceed 45 dB(A) (LAeq 1 hour) at any other time.

Reason: In the interest of public health.

7. (a) The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping and groundworks associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No ground disturbance shall take place in the absence of the archaeologist without his/her express consent.
- (b) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the Department of Housing, Local Government and Heritage, regarding appropriate mitigation (preservation *in situ*/excavation).
- (c) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department of Housing, Local Government and Heritage, shall be complied with by the developer.
- (d) Following the completion of all archaeological work on site and any necessary post excavation specialist analysis, the planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

8. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Construction Traffic Management Plan (CTMP) for the construction phase of the development for the written agreement of the planning authority. The CTMP shall incorporate details of the road network to be used by construction traffic including oversized loads, detailed proposals for sightlines and the protection of bridges, culverts and other structures to be traversed, as may be required. The agreed CTMP shall be implemented in full during the course of construction of the development.

Reason: In the interest of traffic safety and convenience.

9. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority, following consultation with Inland Fisheries Ireland.

Reason: To prevent flooding and in the interests of sustainable drainage.

10. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be topped / lopped / coppiced and those which it is proposed to be fully retained. Any trees to be felled shall also be clearly identified and all works shall be subject to an updated arboricultural method statement.

(b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are topped / lopped / coppiced / felled.


(c) New compensatory planting should be compatible with long-term management under the route of the permitted transmission line, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

11. No works shall commence until a diversion agreement is in place with Uisce Éireann. All works shall be carried out in compliance with Uisce Éireann codes and practices.

Reason: To ensure the protection of existing wastewater infrastructure.

Board Member



Date: 26/08/2024

Tom Rabbette