



**Planning and Development Acts 2000 to 2020**

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: 20/157**

**Appeal** by Seamus and Josephine Lennon and others care of Kilmacreddock, Maynooth, County Kildare and by Killross Properties Limited of Unit 12C M4 Interchange Park, Maynooth Road, Celbridge, County Kildare against the decision made on the 15<sup>th</sup> day of July, 2020 by Kildare County Council to grant subject to conditions a permission to Exyte Northern Europe Limited care of RKD Architects of The Coach House, Dundanion, Blackrock Road, Cork in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Provision of a temporary contractors' car park and contractors' compound(s) for a period of five years, associated with the development of the proposed extended and revised manufacturing facility at Intel, granted under An Bord Pleanála reference number 304672. The development will include: 1. Modifications to existing site entrance and associated modifications to the existing adjacent footpath and cycle lane. 2. Surface car park to accommodate 300 cars, maximum. 3. Contractor compounds comprising approximately 14 number compounds ranging in area from 1,500 square metres to 10,500 square metres. Each compound will accommodate work cabins of single (3.5 metres) or double (7.0 metres) height, and a maximum of approximately 6-8 cabins (eight metres x three

metres each). 4. Site accommodation which will include single storey - office canteen and welfare facilities, (circa 42 metres x 12 metres) – entrance security cabin, (circa seven metres seven metres x three metres) – compound security and welfare cabin (circa 12 metres x three metres) – toilet block (circa 12 metres x six metres) – bus shelter (circa three metres x 1.2 metres) – maintenance shed (circa eight metres x seven metres) – electrical substation/switch room (circa 13 metres x 4.4 metres). 5. A circa 2,700 square metres temporary de-crating building, measuring circa 40 metres x 69 metres, and 15 metres high, and associated circa 3,716 square metres non-permeable manoeuvring and operational space. 6. Logistics and maintenance yard. 7. Transport vehicle (truck) holding compound for approximately 30 units. 8. Internal road network, site lighting, landscaping, mobile cranes and associated site works, security fencing to site and compound boundaries. A Natura impact statement (NIS) accompanies this application. All at a site of circa 14.95 hectares, bounded by the R449 to the east and the Maynooth to Leixlip Railway Line/Royal Canal to the north, all at Collinstown, Leixlip, County Kildare.

## Decision

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

## Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



## Reasons and Considerations

Having regard to the provisions of the Leixlip Local Area Plan 2020 - 2023, to the Kildare County Development Plan 2017 - 2023 and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of zoning and land use and would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 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 (Site Code: 001398), the South Dublin Bay Special Area of Conservation (Site Code: 000210), the North Dublin Bay Special Area of Conservation (Site Code: 000206), the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024, and the North Bull Island Special Protection Area (Site Code: 004006) are the European sites 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 these 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,

- (i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for these European sites,

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 aforementioned European sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European sites in view of the sites' conservation objectives.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 18<sup>th</sup> day of June 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.



2. This permission shall be for a period of five years from the date of commencement of development. The site shall be reinstated within this period unless a further permission has been obtained.

**Reason:** In the interest of clarity.

3. All mitigation measures contained in the Ecological Impact Assessment submitted by the applicant shall be carried out.

**Reason:** To ensure the preservation and protection of flora and fauna within the site.

4. All mitigation measures and undertakings contained in the Construction and Reinstatement Environmental Management Plan submitted by the applicant shall be carried out.

**Reason:** In the interest of mitigating any ecological damage associated with the development.

5. The mitigation measures, as set out in Section 1.5 of the Archaeological Impact Assessment submitted by the applicant shall be carried out.

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

6. All mitigation measures contained in the Natura impact statement submitted by the applicant shall be carried out.

**Reason:** In the interests of the protection of the Rye Water Valley/Carton Special Area of Conservation (Site Code: 001398), South Dublin Bay Special Area of Conservation (Site Code: 000210), North Dublin Bay Special Area of Conservation (Site Code: 000206), South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) and North Bull Island Special Protection Area (Site Code: 004006).

7. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

8. Prior to commencement of development, the developer shall enter into a water and/or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.



**Reason:** In order to safeguard the amenities of property in the vicinity.

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

**Reason:** In the interests of public safety and residential amenity.

11. Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of amenity and public safety.

12. A Tree Protection Plan showing any trees to be removed and justification for their removal shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of tree protection.

13. (a) Prior to commencement of development, all trees and hedging which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches or, at minimum, a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed and reinstated.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

14. The locations and dimensions of the on-site berms created from soil removed from within the site shall be agreed in writing with the planning authority prior to the removal of the soil. The maximum amount of removed soil shall be retained on site and used in the reinstatement of the site. Details of any soil removal from the site shall be agreed in advance of its removal, in writing, with the planning authority.

**Reason:** In the interest of sustainable development.





15. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006.

**Reason:** In the interest of sustainable waste management.

16. 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.



John Connolly

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

Dated this 8<sup>th</sup> day of FEBRUARY 2021.