



An
Bord
Pleanála

Inspector's Report

PL09.246905

Development

Replacement and relocation of an electrical switchroom serving the Fab 10 facility. The replacement switchroom is single storey 25.2m by 12.2m by 9.8m high and will be located in the utilities yard to the rear of the Fab 10 manufacturing facility, The replaced switchroom will be decommissioned and demolished as part of these works. .

Address:

Intel, Collinstown, Leixlip, Co Kildare
Kildare County Council.

Planning Authority

Planning Authority Reg. Ref.

16/406

Applicant

Intel Ireland Ltd.

Type of Application

Permission

Planning Authority Decision

Grant Permission subject to conditions.

Appellant

Thomas Reid

Observer(s)

Peter Sweetman

Date of Site Inspection

13th September 2016

Inspector

Bríd Maxwell.

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.86 hectares and is located within the Intel Campus which lies approximately 2.5km to the northwest of Leixlip town centre in County Kildare. The campus is bounded by the Sligo to Dublin Railway line and Royal canal to the east, by Kellystown Lane to the west and by the River Rye to the north. The southern side of the site is bounded by the R148 Regional Leixlip to Maynooth road. Intel Ireland is a subsidiary of the Intel corporation involved in the design and manufacture of microprocessors and systems. Intel Ireland's Leixlip campus is the location of four semi-conductor, wafer-fabrication facilities Fab 10, Fab 14, Fab 24 ad Fab 24-2. These facilities produce latest generation silicon microprocessors that power platforms and technology advancements.
- 1.2. The appeal site which has a stated area of 0.86hectares is located within the intel site within the utilities yard adjacent to the Fab 10 building and also includes the existing substation building.
- 1.3. The Intel Ireland Production site is licensed under Part IV of the Environmental Protection Agency Act 1992 (as amended) and is a site to which the Chemical Act (Control of Major Accidents Hazards Involving Dangerous Substances) Regulations 2015 (Seveso Regulations) SI 209 of 2015 apply.

2.0 Proposed Development

- 2.1. The proposed development involves the replacement and relocation of the electrical switchroom serving the Fab 10 building and the decommissioning of the existing switch room. In terms of a justification for the development it is outlined that the existing Fab 10 electrical switch room is coming to the end of life and needs to be replaced. As Intel operates on a 24hour 7-day week basis there is no opportunity to replace the equipment in situ. The requirement for continuous power necessitates the installation and commissioning of new switch room equipment before the existing switch room can be decommissioned.
- 2.2. The proposed switch room will be located to the rear of the Fab 10 building adjacent to the recently constructed air separation Unit. (13/837). The building will be clad in the standard "Intel Brown" colour.

3.0 Planning Authority Decision

3.1. Decision

By order dated 16th June 2016 Kildare County Council decided to grant permission subject to 10 conditions including:

Condition 2. Requiring decommissioning and demolition of the existing plant room within one month of connection of the new switch room.

Condition 10. Development Contribution of €16,673.17.

3.2. Planning Authority Reports

- Area Engineer, Environment Section, Transportation Department, Chief Fire Officer, Environmental Health Officer and Water Services Sections indicate no objection subject to conditions.
- Heritage Officer's report indicates agreement with the conclusions of Appropriate Assessment Screening,
- Planner's report recommends permission subject to conditions.

Third Party Observations

Submission from Thomas Reid to the local authority objects on grounds that the development is contrary to proper planning and sustainable development, and will impact on the SAC.

4.0 Planning History

4.1. There is an extensive planning history on the appeal site including the following of particular note:

- 15/565 Permission granted on 2/10/2015 for the installation of chemical tanks and exhaust stacks to the rear of Fab 24 and boiler house stack to Fab 14.
- 14/750 Permission granted 30/1/2015 for change of use of a temporary disassembly building to the rear of Fab 10 to a permanent building for the

storage of chemically solid hazardous solid waste. (PL09.244142 Third party appeal by the current appellant deemed invalid)

- 14/100 Permission granted 12/5/2014 for single storey addition to the rear of Fab 24 process support building and a mezzanine, tanks and tanker loading area.
- 14/75 Permission 5/5/2014 for the construction of a weather enclosure within the Ryebrook Substation Compound.
- 13/837 Permission granted 27/1/2014 for the construction of an air separation unit to support the manufacturing process.
- PL09.242826 (13/786) The Board upheld decision to grant permission for temporary car parking to the west of the Intel campus.
- 13/549 Permission granted 7/10/2013 for the raising of the parapet on the F24 Air Treatment Building.
- 12/993 Permission granted on 22/3/2013 for modifications and alternations to the previously permitted Rybrook Extension (Intel dedicated) high tension substation compound (11/207)
- 12/708 Permission granted 18/12/12 for reuse and extension of temporary car park.
- 12/669 Permission granted 9/12/2012 for modification of stacks and works including addition of various roof mounted equipment alterations and additions to permitted stacks and structures in yard between Fabs 14 and 24. Three storey extension to rear of Fab 24 to house electrical equipment, Modifications to singles storey electrical switch room to the rear of Fab 24 (previously permissioned 11/1208)
- PL09.241071 (12/435) Permission granted by the Board 16/1/2013 for 10-year duration for development of new Fabrication Facility (Fab) consisting buildings and ancillary works alongside existing site infrastructure and building.

Concurrent appeal on a site to the northeast of the appeal site. (Referenced within the observer's submission)

- PL09.247028 16/523 Application by Eirgrid PLC for replacement of an existing triple circuit branch mast with 3 masts and all ancillary site works in the vicinity of an existing mast. Confey, Leixlip, Co Kildare.

5.0 Policy Context

5.1 Development Plan

- The Kildare County Development Plan 2011-2017 and Leixlip Local Area Plan 2010 refer.
- The Kildare County Development Plan core strategy sets out at Policy CS5 “To support the development of the identified strategic growth areas of Maynooth, Leixlip and Naas as focus for regional critical massing and employment growth.”
- Within the LAP the majority of the Intel campus is zoned H “Industrial and Warehousing” The stated objective is “to provide for office, warehousing and industrial development”.
- Specific Objective E2 is “To facilitate the expansion of the multi-national industries in Leixlip including Intel and Hewlett Packard.”

6.0 Natural Heritage Designations

6.1 The Rye Valley Carton cSAC (Site Code 001398) part of which forms the northern boundary of the Intel campus is within approximately 290m from site.

6.2 Other designated sites include The North Dublin Bay cSAC (Site Code 000206), South Dublin Bay cSAC (Site Code 000210), North Bull Island SPA (Site Code 004006) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) which are located approximately 17km from the site.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1 The appeal is submitted by Thomas Reid Hedsor House, Blakestown, Leixlip. The grounds of appeal in respect of the planning merits of the case¹ can be summarised as follows:

- Development is contrary to the proper planning and development of the area.
- Significant Impacts on Rye Water Carton SAC.
- In light of upper tier Seveso designation, the proposal adds to the major intensification of risk on a wide area under Seveso designation.
- As site is directly involved in the area of 12/435 PL09.241071 it would render that permission invalid.

7.2. Planning Authority Response

7.2.1 The Planning Authority did not respond to the grounds of appeal.

7.3. First Party Response

7.3.1 The Appeal response by Jacobs Engineering Limited on behalf of the first party is summarised as follows:

- Appeal should be dismissed as being without foundation or substance in accordance with the provisions of Section 138.
- As regards impact on the Rye Water Carton Candidate Special area of Conservation, appropriate assessment screening which accompanied the application established no potential impact on the Rye Water Carton cSAC.
- As regards intensification of risk under Seveso designation, the planning application is for the replacement and relocation of an existing electrical switch room. There is no potential for off-site or on-site impacts arising from the development. The proposed switch room will not contain substances likely to lead to or accelerate the

¹ I note that the appeal submission makes reference to matters not connected to the appeal case and consideration has been confined to matters related to development proposed within the current appeal.

effects of a major accident in any way and therefore will not contribute to hazards or the hazardous substance loading for the site.

- Note that this is the fifth appeal lodged by the appellant against development proposals by Intel all of which repeat the same issues.

7.4. Observations

7.4.1 Observations are submitted by Peter Sweetman and Associates is summarised as follows:

- Notably the application relies on environmental data submitted in an EIS to support the FAB 24C development under 11/208.
- Legality of applications submitted since decision of EIA 11/1208 questioned. O Grianna and others v An Bord Pleanála [2015] IEHC 248 (12-122-2014) refers.
- There is no evidence that prior to the commencement of development conditions of 11-1208 have been complied with.
- Subthreshold nature of the application does not negate the requirement for EIS
- Note 16/523 which is directly related to this development.
- In relation to the test regarding AA screening, as per Kelly v An Bord Pleanála 2013/802 JR, the possibility of there being a significant effect on the site will generate the need for appropriate assessment for the purposes of Article 6(3).
- Environmental Impact Assessment and Appropriate Assessment required as there may be an effect on Rye Water / Carton Valley SAC.

7.5. Referrals to Prescribed Bodies

7.5.1 Health and Safety Authority submission does not advise against the granting of planning permission in the context of major accident hazard.

Environmental Protection Agency submission notes that Intel Ireland Ltd was issued an IPPC Licence (Register No P0207-04) on 20th December 2013. The licence was amended on 23rd December 2013 to incorporate the requirements of an Industrial Emissions Licence. The agency notes that the activity to which the planning

application and licence relates may be if the following type listed in Schedule 5 of the Planning and Development Regulations 2001 as amended:

“Part 2, Project 4€ Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process, where the production area would be greater than 100 square metres.”

If this is the case EIA may be required (if the development proposed is likely to have significant effects on the environment.) Should the Board determine that an EIA is required and should a licence review application be received which addresses the changes proposed, the agency will require that the associated EIS is submitted in support of the licence application. The EIS will be considered and assessed by the Agency. The Agency shall ensure that before the revised licence is granted, the licence application will be made subject to an EIA as respects the matters that come within the functions of the Agency and in accordance with Section 83(2A) and Section 87(1G)(a) of the EPA Act. In addition, consultation on the licence application and EIS will be carried out in accordance with Section 87(1B) to 1(H) of the EPA Act as appropriate. All observations from An Bord Pleanála will be taken into account as part of the Agency’s assessment and before making a decision in relation to the licence application.

8.0 Assessment

8.1. I consider the key issues in determining this appeal are as follows:

- Validity of the Appeal
- Principle of Development
- Impact on the environment and on the amenities of the area
- Environmental Impact Assessment
- Appropriate Assessment

8.2 Validity of the Appeal.

8.2.1 The first party has asserted that the appeal is vexatious and without substance and therefore should be dismissed in accordance with Section 38 of the Planning and Development Act 2000. The issue of the validity of the appeal is a matter for the Board to determine. I note that the appeal submission makes reference which do not relate to the development being appealed and therefore I consider it appropriate to confine consideration to matters in regard to the Planning merits of the appeal case.

8.3 Principle of Development.

8.3.1 I note the submissions of the first party setting out the justification for the development on the basis that the existing electrical switchroom equipment is coming to the end of its life and needs to be replaced. In light of the requirement for continuous power to serve the 24 hour 7 day a week facility the need to create a new switch room prior to decommissioning of the old switch room is a reasonable approach.

8.3.2 The intel site is a well-established use on the site and conforms to the zoning specified within the Leixlip Local Area Plan and is strongly supported by the policies and objectives of the Local Area Plan and the Kildare County Development Plan 2011-2017. On this basis I consider that the proposed development is acceptable in principle.

8.4 Impact on the Environment and on the amenities of the area.

8.4.1 The proposed development comprises the replacement and relocation of an electrical switchroom serving the Fab 10 facility. The development site is brownfield in nature. The replacement switchroom is a single storey structure 25.2m x 12.2 by 9.8m high. Demolition of the existing switchroom is also provided for. In light of the nature of the development proposed and limited duration of construction works, I consider that the proposal is not likely to give rise to significant impacts on the environment or on the amenities of the area.

8.4.2 As regards impact on the site's Seveso designation having regard to the nature of the development I would concur with the assertion of the first party that there is no potential for increased effects of major accident and the proposal does not contribute to the hazardous substance loading for the site.

8.4.3 As regards the allegations of the third party appellant that the proposed development would negate previous permissions on the site, this is clearly not the case and it is reasonable in light of the nature of the established development that ongoing renewal and replacement would occur.

8.5 Environmental Impact Assessment.

8.5.1 On the matter of Environmental Impact Assessment, I have noted that the observer's submission asserts that the development should be subject to environmental impact assessment on the basis of cumulative and in combination impacts. Having regard to the characteristics of the proposed development, the location of the proposed development and to the characteristic of potential impacts, I consider that the proposed development is not likely to have significant effects on the environment. The development does not in my view come within the scope of Article 109 of the regulations and Environmental Impact Assessment is not therefore required.

8.6 Appropriate Assessment

8.6.1 I have noted that the appellant and observer question the potential for significant effect on the Rye Water Valley Carton cSAC. I refer the Board to the AA screening report compiled by Environmental Impact Services provided in support of the application. The report concludes that the proposed development will not have any significant impact on the Natura 2000 network of sites and a stage 2 appropriate assessment is not required.

8.6.2 Having reviewed the screening report and by using the source pathway receptor principle of risk assessment it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, the at the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Rye Water Valley Carton cSAC or any European Site, in view of the site's Conservation Objectives and a stage 2 appropriate assessment and submission of a Natura Impact Statement is not therefore required.

9.0 Recommendation

- 9.1. Having regard to the foregoing I recommend that the decision of the planning authority should be upheld in this instance and permission should be granted, subject to conditions, refused for the reasons and considerations as set out below.

10.0 Reasons and Considerations

Having regard to the nature of the proposed development the established uses on the site the provisions of the Kildare County Development Plan 2011-2017 and Leixlip Local Area Plan 2010, it is considered that, subject to compliance with the conditions set out below the proposed development would not seriously injure the environment or amenities of the area would not be prejudicial to public health or safety and would 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 except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The existing plant room shall be decommissioned and demolished within one month of connection of the new switchroom.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation of surface water shall comply with the requirements of the planning authority for such works and services. Details shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

4. 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 the commencement of development. This plan shall be prepared in accordance of the development shall be managed 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.

5. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Bríd Maxwell
Planning Inspector
19th October 2016

