



An  
Bord  
Pleanála

## Inspector's Report ABP304672-19

### Development

An extended and revised manufacturing facility (Granted previously under Reg. Ref. PL09.248582) including reconfigured and extended buildings, water tanks, manufacturing utility support buildings, building links and yard equipment, road works and new mobility centre building, new air separation units and other ancillary works.

### Location

Intel Campus, Collinstown, Leixlip, County Kildare.

### Planning Authority

Kildare County Council.

### Planning Authority Reg. Ref.

19/91.

### Applicant

Intel Ireland Limited.

### Type of Application

Permission.

### Planning Authority Decision

Grant.

### Type of Appeal

First Party -v- Condition.

Third Party -v- Decision.

**Appellants**

- (i) Intel Ireland Limited.
- (ii) Thomas Reid.

**Observer(s)**

- (i) Emmet Stagg.
- (ii) Peter Sweetman.

**Date of Site Inspection**

**Inspector**

Paul Caprani.

## Contents

1.0 Introduction .....	4
2.0 Site Location and Description .....	4
3.0 Proposed Development .....	5
4.0 Planning Authority's Decision .....	8
4.1. Documentation Submitted with Planning Application .....	8
4.2. Initial Assessment by planning authority .....	13
4.3. Applicant's Response to Further Information Request .....	17
4.4. Further Assessment by Planning Authority .....	18
5.0 Planning History.....	19
6.0 Grounds of Appeal.....	21
7.0 Appeal Responses.....	23
8.0 Observations.....	26
9.0 Planning Policy Context .....	28
10.0 Planning Assessment.....	31
11.0 Environmental Impact Assessment .....	47
12.0 Conclusions and Recommendation.....	73
13.0 Decision .....	73
14.0 Reasons and Considerations .....	74
15.0 Conditions .....	75

## **1.0 Introduction**

- 1.1. ABP304672-19 relates to a third-party appeal against the decision of Kildare County Council to issue notification to grant planning permission for an extension to the Intel Ireland facility at Collinstown Industrial Park, Leixlip, County Kildare. The third party appeal raises concerns in respect of the impact of the proposal on Natura 2000 sites, the failure to adequately take into account various EU Directives including the Seveso and Habitats Directives. Concerns were also expressed with regard to impacts on roads, air pollution and visual amenity.
- 1.2. A first party appeal was also submitted against Condition No. 25 of the notification to grant planning permission which relates to noise limits. Two observations were also submitted one of which supports the proposed development the other raises an objection to the proposal.
- 1.3. The application was accompanied by an EIAR and a NIS. The current application should be assessed in conjunction with a separate application under Reg. Ref. 304862 which relates to an application by Eirgrid for a 220 kV gas insulated switch gear substation to the north of the site which was made pursuant to Section 182B of the Planning and Development Act, as amended.

## **2.0 Site Location and Description**

- 2.1. The Intel facility is located in the Collinstown Industrial Park approximately 2.5 kilometres west of the town of Leixlip in north-east Kildare and approximately 17.5 kilometres to the west of Dublin City Centre. The Collinstown Industrial Park is located on the northern side of the R148 (Leixlip to Maynooth Road). The Intel facility has a direct link onto the M4 Motorway at Junction 6 via the R449 which runs southwards from the facility. Louisa Bridge Railway Station located on the Dublin/Sligo Railway line is situated to the east of the Intel facility and the railway line runs in an east/west direction to the south of the site. Kellystown Lane, (the L1014) runs along the western boundary of the site and this lane links the R148 with the Confey Road which runs in an east/west direction to the north of the site. The

northern boundary of the existing facility runs adjacent to the River Rye which is a designated Natura 2000 site.

- 2.2. The Intel campus is located on a 160 hectare site within the Collinstown Industrial Park. The park is surrounded on the whole by agricultural and amenity ground interspersed with low density housing. Lands further south-east accommodate suburban development associated with the town of Leixlip.
- 2.3. The Intel facility is an advance IT manufacturing facility employing approximately 4,500-5,000 persons. The manufacturing process takes place in a number of buildings located throughout the campus (referred to in the documentation as FAB buildings) These are a series of very large buildings located centrally within the site. The site also accommodates an internal road hierarchy, surface car parking, water retention ponds, energy plant and control buildings, boiler rooms, chiller room and staff ancillary facilities. The western/north-western portion of the site is to accommodate the majority of the proposed extension under the current application. The application area also accommodates a smaller parcel of land at the eastern boundary of the campus in close proximity to Louisa Bridge at the south-eastern corner of the campus. The western portion of the site which is to accommodate the main area of the extension to the manufacturing facility comprises is currently a construction site (works are being carried out under an extant permission Reg Ref 248582) the works currently under construction include a new FAB building and a multi-storey car park. The area surrounding the construction works which are the subject of the current application are undeveloped and accommodate some surface car parking area and scrubland around the vicinity of the area to be developed.
- 2.4. The lands at the eastern end of the campus where it is proposed to accommodate eight large water storage tanks are currently undeveloped and currently accommodate surface car parking associated with the facility.

### **3.0 Proposed Development**

- 3.1. Planning permission is sought for the following on site.

Permission is sought for an extension to a previously permitted manufacturing building located to the immediate west of the main manufacturing facility located on site. The manufacturing building will be developed over four levels and will have a

floor area of 109,745 square metres. The parapet level of the building will rise to 31 metres. The proposal will incorporate roof mounted stacks, equipment and plant ranging in height from 6 metres to 25 metres above parapet level. Ground levels on site are to be reduced to accommodate the proposed buildings.

3.2. The proposal will also incorporate a revised design and configuration of previously permitted utility support buildings consisting of the following:

- A two-level boiler and chiller building and associated roof mounted cooling towers rising to 24.5 metres in height and accommodating an area of approximately 22,188 square metres.
- A four-storey water treatment and compressor building rising to a height of approximately 27 metres and accommodating a floor area of just less than 12,000 square metres.
- A new two-storey wastewater treatment building c.5,000 square metres and 17 metres in height together with a single-storey analyser building and single-storey electrical building c.217 square metres in size and rising to a height of 7 metres.
- A bulk gas and electrical yard with storage for gases and liquids with roofed compounds approximately 538 square metres in size and 6 metres in height.
- It is also proposed to provide a single-storey support building c.73 square metres and 6.5 metres in height together with a number of ancillary buildings accommodating electrical plant (446 square metres in size and 7 metres in height).
- Further east of the main manufacturing buildings it is proposed to provide 40 emergency generators and their associated stacks c.21 metres in height together with three electrical buildings and associated transformers etc. All building in his area have roof mounted equipment and stacks ranging from 5 to 18 metres in height.
- The manufacturing utility support buildings referred to above are located either to the immediate north of the proposed manufacturing buildings or to the immediate east of the proposed extension and to the immediate north of the existing manufacturing buildings on site.

- At the eastern end of the campus it is proposed to provide eight water tanks approximately 38 metres in diameter and 10 metres in height. These water tanks are laid out in two rows of four tanks with a central roadway providing access between the tanks. A single storey pumphouse approximately 840 square metres in size and 8 metres high is to be located at the southern end of the tanks.
- The proposal also seeks to provide a revised design and configuration to previously permitted ancillary works including new underground utilities, a single storey elevated link structure to the south of the proposed manufacturing building together with new fencing, landscaping and screening berms.
- The proposal will also include new internal road layouts together with modifications to the main vehicular entrance and the realignment and widening of the R148 road which runs along the southern boundary of the site. It is also proposed to provide additional bicycle lanes and enlarged bus parking facilities both on and off site.
- It is also proposed to provide a new mobility centre building including a small staff canteen/café with a gross floor area of approximately 56 square metres. This new standalone building is to be located to the immediate north of the multi-storey car park (currently under construction) located on the western side of the main entrance into the site.
- It is also proposed to provide two new air separation unit compounds which are proposed to be located to the immediate north of existing manufacturing facilities and FAB10 and FAB14 which are both centrally located within the site. These compounds will include ancillary support buildings including three compressor buildings (gross floor area 1,260 square metres and c.30 metres in height and four single-storey electrical buildings 284 square metres in size and 11 metres in height and five plant rooms and storage tank facilities. The storage tank facility is approximately 25 metres in diameter and 47 metres in height (indicated as N2 tank on the drawing submitted).
- Minor alterations were also proposed to the existing IR5 building (the building located between the permitted manufacturing building to the north-west and

the multi-storey car park located to the south-east). The extension to the existing IR5 building comprises of a new link area (1,400 square metres and c.15 metres in height together with roof mounted plant equipment and minor revisions to the elevation).

3.3. The main external elevations to the buildings proposed comprise of horizontal metal panels which will be painted dark brown. (See drawings 584-FAB-A-7201).

#### 4.0 **Planning Authority's Decision**

The planning application was lodged on 1<sup>st</sup> February, 2019.

In its decision dated 17<sup>th</sup> May, 2019 Kildare County Council issued notification to grant planning permission for the proposed development subject to 34 conditions.

##### 4.1. **Documentation Submitted with Planning Application**

The following documentation was submitted with the planning application

4.1.1. An Environmental Impact Assessment Report.

4.1.2. This report is assessed under a separate heading below in my report.

##### Planning Report

4.1.3. This report sets out details of the proposed development together with the need for the development. It also includes a screening exercise for Environmental Impact Assessment and Natura Impact Assessment. The report goes on to detail the site location and its context and the planning history associated with the site and the area surrounding the site. The report also provides a detailed description of the proposed development and assesses the proposed development in accordance with the strategic planning and development policy for the area. Reference is made to various national plans as well as the Kildare County Plan, the Leixlip Local Area Plan. It concludes that the development is fully in accordance with the policies and provisions contained in the various plans referred to in the report. Finally, the planning report highlights other significant issues (which are the subject of separate reports submitted with the application). These issues are identified as being:

- Seveso



- Flood Risk Assessment
- Traffic and Transportation

The report concludes that the proposed development is fully in compliance with the proper planning and sustainable development of the area.

#### Surface Water Drainage Strategy

- 4.1.4. This report sets out details of the topography, geology and hydrogeology of the subject site and its surroundings and also provides details of the existing site drainage. All run-off on site is collected via a number of gullies before being conveyed in pipes ranging from 150 millimetres to 1,200 millimetres in diameter prior to discharging in a retention pond to the north of the site. The surface water is attenuated in the retention pond before being discharged to the River Rye via a licensed outfall. Trade effluent from areas with higher risk of contamination are transferred to dedicated storage tanks to be transferred off-site. The foul drainage infrastructure serving the development comprises of a traditional gravity system which is connected to Kildare County Council's sewer. The report sets out details of the surface water drainage strategy, which it is argued, is in accordance with the recommendations of the GSDS. Surface water run-off from the development will be managed using a SuDS system in order to negate excessive rates and volumes of discharge. Details of the surface water flow rates anticipated on site are contained in the report.
- 4.1.5. Appropriate Assessment Screening Report was submitted prepared by Scott Cawley. It concludes based on the initial assessment that the proposed development requires an appropriate assessment and the preparation of an NIS.
- 4.1.6. A Natura Impact Statement was also submitted the contents of this report is assessed separately under a separate heading below.

#### Habitat Management Plan

- 4.1.7. A separate Habitat Management Plan (prepared by Scott Cawley) was submitted. It sets out management measures for grassland habitats, woodland habitats, treeline and hedgerow habitats and management measures for the control of non-native invasive plant species in the report. Details of monitoring requirements for the Habitat Management Plan and biosecurity proposals are also set out in the report.

### Construction Management Plan

4.1.8. The overall construction timeline is envisaged to be a four-year period. General construction hours will be Monday to Friday 0700 to 1900 hours and Saturday 0800 to 1400 hours. The report sets out details of the environmental management in relation to:

- Biodiversity.
- Land, Soils, Geology and Hydrogeology.
- Water and Hydrology.
- Air Quality and Climate.
- Noise and Vibration.
- Waste Management.
- Landscape and Visual Impact.
- Traffic and Transport.
- Cultural and Architectural Heritage.
- Archaeology.

4.1.9. A number of appendices are also attached the more important of which include:

- Appendix 3 – Construction and Traffic Management Plan.
- Appendix 4 – Environmental Management Requirements for Contractor, Construction and Demolition Work.
- Appendix 5 – Outline for Invasive Species Management Plan.
- Appendix 6 – Dust Mitigation Plan.

### Transportation Assessment

4.1.10. This Report sets out the access and circulation strategy relating to the following:

- The construction of a new multi-level car park which already has the benefit of planning permission.
- The reopening of the Intel entrance to the west of the main entrance.
- The upgrade of R148 to include enhanced pedestrian, cycle and public transport facilities.
- The conversion of the existing roundabout at the intersection of the R148/R449 to a signalised junction.
- The provision of an improved internal road layout providing enhanced facilities for cyclists and pedestrians.
- The provision of a new mobility centre within the campus.

4.1.11. It states that the parking strategy adopted for the Intel campus does not include any additional parking over and above that currently granted under previous permissions (PL09.248582 and PL09.241071). In accordance with extant permissions the total car parking provision to be provided on site is to increase from an existing 3,618 spaces to 4,214 spaces. The proposed development includes the provision of 200 cycle parking spaces set within the proposed mobility centre with an additional 200 spaces at other locations throughout the campus. In terms of existing modal split 74% of workers arrive by private car.

4.1.12. In terms of predicted impacts, it is stated that following the completion of the proposed development there will be a modest increase in traffic associated with increased employment linked to the new manufacturing facility. The resultant traffic conditions on the surrounding road network will have a slight impact on the receiving environment. The proposal will also result in significant improvements to the management of traffic along the R148 (Maynooth-Leixlip Road) and will result in improvements of the proposed upgrade of the existing M4 Interchange. A detailed Mobility Management Plan is also attached as part of the Transport Assessment.

4.1.13. A separate Road Safety Audit was also submitted which identifies various problems associated with the existing transport arrangements and sets out a series of recommendations to address these problems.

### Landscape Design and Landscape Specification Report

- 4.1.14. A separate hard landscape design and soft landscape specification report was submitted and provides details of the specifications for weed control, earthworks and ground preparation, grass seeding, planting and maintenance.

### Tree Planting Report

- 4.1.15. A tree planting report was also submitted. It notes that a total of 492 individual trees were assessed as part of the survey fieldwork. None of these trees were categorised as high value. 166 trees were categorised as moderate value while 300 trees were classed as low value. 26 trees were deemed to be unsuitable for long term retention.

### Flood Risk Assessment Report

- 4.1.16. This report was prepared by AWN Consulting. It concludes that the proposed development is in an area with no flood hazard and as such, a justification test was not required. The subject site is located in Flood Zone C and is therefore deemed to be suitable for development. The nature of development is industrial and as such the development is categorised as 'less vulnerable development' and is therefore considered to be appropriate.

### Surface Water Drainage Report

It sets out details of the existing and proposed network for both surface and foul water drainage.

### COMAH Land Use Planning Report

This report assesses the proposal in the context of control of major accident hazards. It provides a risk-based land use planning assessment associated with the reconfiguration and extension of the proposed manufacturing facility. A total of 20 major potential accident hazards were identified for the proposed development. These included facilities in the bulk gas yard, the manufacturing support buildings, the wastewater treatment building, the liquid nitrogen compound and the air separation units. In terms of potential impacts off site and on site, the maximum level of individual risk off site is within the broadly acceptable range. In terms of potential impacts on site, the total individual risk of fatality is negligible. It is concluded that the risk-based land use planning zones are confined to within the site boundary and the level of risk of fatality on site and off site is deemed to be acceptable.

## 4.2. Initial Assessment by planning authority

4.2.1. The application was lodged on 1<sup>st</sup> February, 2019.

### 4.2.2. Observations from Proscribed Bodies and Third Parties

4.2.3. An observation supporting the proposed development was submitted by Councillor Emmet Stagg.

4.2.4. A report from the Health and Safety Authority notes that the application is governed by Regulations 24(2)(b) of S.I. 209 of 2015 – Chemicals Act (Control of Major Accident Hazards involving Dangerous Substances) (Regulations 2015). On the basis of the information supplied the HSA does “*not advise against the granting of planning permission in the context of major accident hazards*”.

4.2.5. An observation from the Irish Aviation Authority states that in the event of planning consent being granted the applicant should be conditioned to contact the Irish Aviation Authority in order to agree:

- An Aeronautical Obstacle Warning Light Scheme for the structures on site.
- Provision as constructed co-ordinates together with ground and tip height of the structures. (The Board will note that this observation may specific reference to wind turbines as opposed to chimneys and vents).

4.2.6. An observation from the EPA notes that an industrial emissions license (Reg. No. P0207-04) was issued on the 20<sup>th</sup> December, 2013 to Intel Ireland Limited for:

- The manufacture of integrated circuits and printed circuit boards.
- The operation of combustion installations for the rated thermal output equal to or greater than 50 megawatts.
- A surface treatment of projects using organic solvents with the consumption capacity of more than 200 tonnes per year.

4.2.7. It is stated that should a licensed review application be received by the Agency all matters to do with emissions to the environment from the activities proposed will be considered and assessed by the agency. Should the Agency decide to grant a license in respect of the activity, it will incorporate conditions that will ensure that appropriate national and EU standards are applied. Finally, it is noted that the EPA

cannot issue a proposed determination on a license until planning decision has been made.

- 4.2.8. A number of other observations were submitted in respect of the proposed development the contents of which have been read and noted. Some of the observations support the proposed development while others express concerns in respect of certain aspects of the proposal.
- 4.2.9. An observation was also submitted by the current third-party appellant, Mr Tomas Reid the contents of this observation have read and noted.
- 4.2.10. A report from Inland Fisheries Ireland notes that the development is located within the catchment of the River Rye which is exceptional in terms of supporting Atlantic Salmon and Sea Trout and Brown Trout. The submission sets out a number of conditions/mitigation measures that should be attached to any grant of planning permission should the planning permission be granted for the development.
- 4.2.11. A report from the Department of Culture, Heritage and the Gaeltacht (Development Application Unit) states that the Department will not object to the proposed development proceeding as planned provided the full excavation of features identified during recent test excavations and the overall archaeological monitoring of groundworks across the site is carried out as detailed in the EIAR submitted.
- 4.2.12. A report from Irish Water states that there is no objection to the proposed development subject to standard connection issues.
- 4.2.13. An observation from Transport Infrastructure Ireland states that there is insufficient detail in relation to the proposed works to be carried out at Junction 6 at the M4. It is stated that the analysis presented in the transport assessment is short on data to support the design recommendation to partially signalise the M4 at Junction 6 and this requires a further review

#### Internal Reports

- 4.2.14. A report from Kildare County Council Municipal District office recommends that a number of conditions be attached in relation to surface water drainage and vehicular access, including the requirement for achieve appropriate sightlines.
- 4.2.15. A report from the Environmental Health Officer recommends a number of conditions/issues be addressed, particularly during the construction of the

development in relation to population and human health, air quality, noise, vibration and hydrogeology (HSE).

- 4.2.16. A report from Kildare County Council Environment Section states that there is no objection to the proposed development subject to 23 conditions. These conditions all relate to environmental control.
- 4.2.17. A report from Kildare County Council Water Services Department likewise express no objection to the proposed development subject to the incorporation of 10 conditions in respect of surface water drainage.
- 4.2.18. A report from the Chief Fire Officer states that there is no objection to the proposed development subject to the applicant obtaining a fire safety certificate.
- 4.2.19. A report from Kildare National Roads Office also states that the signalisation of the M4 at Junction 6 needs to be further developed to demonstrate that such works are complementary to safeguarding the operational performance and strategic function and safety of this junction. Further details are also required in relation to the traffic management plan proposed.
- 4.2.20. A separate planning and environmental impact assessment report in respect of water services was also prepared. It assesses the EIA issues related to water. It concludes that there is no objection to the proposed development subject to various conditions in relation to surface water drainage and attenuation and flood risk.
- 4.2.21. A report from the Roads and Transportation Department of Kildare County Council assesses the impact of the proposed development on the local road network in terms of capacity and safety and the TII Traffic and Transportation Assessment Guidelines of May 2014. Kildare County Council Roads and Transportation Department in consultation with their consulting engineers are satisfied that the design and analysis of the roads and traffic issues relating to the proposed development has been carried out in a robust and professional manner and therefore it is recommended that planning permission be granted for the proposal subject to 27 conditions.

#### Planners Report

- 4.2.22. The initial planner's report sets out details of the proposed development and details of the site as well as the relevant planning history. The various submissions and representations made in relation to the application are also set out in the planner's

report as is the planning policy context. In terms of the assessment, it is noted that the principle of development is acceptable having regard to the zoning objectives for the lands. It is considered that industrial development at this location is acceptable subject to all other planning considerations being satisfactorily addressed. In terms of landscape and visual impact, again it is considered having regard to the existing industrial backdrop of the Intel complex, the proposed development will have an acceptable and reasonable impact. For the same reason it is not considered that the proposed development will have a significant adverse impact on the architectural heritage of the area. The report goes on to assess the proposal in terms of surface water management, landscaping, roads, traffic and mobility management as well as impact on residential amenity. The report also assesses the proposal in terms of flood risk assessment, the potential impact on Natura 2000 sites and the impact in terms of the potential for major accident hazards.

4.2.23. While it is concluded that the proposed development is acceptable in principle the planner's report recommends additional information is required in relation to the following:

- It is noted that future electricity usage for the proposed development will be secured via a new strategic infrastructure application in respect of a 220 kV substation and circuits while the EIAR considers the Eirgrid project in terms of its interactions with cumulative effects, the AA Screening Report and Natura Impact Statement do not make specific reference to this project. To assist the Planning Authority in carrying out an appropriate assessment of the proposed development, a revised screening report and Natura Impact Statement having regard to potential in combination effects with the proposed Eirgrid project should be undertaken. Furthermore, detailed consideration of the potential impacts of the overhead and underground connection of the Eirgrid project should be provided.
- Further details are required justifying the signalisation of Junction No. 6 on the M4.
- It is noted that planning permission has been granted for a solar farm on lands approximately 300 metres to the north-east of the Intel complex. The applicant



is requested to submit revised photomontages for the proposed development having regard to the potential in combination visual effects.

- The applicant is requested to clarify the maximum depth of excavation proposed and to illustrate this on a site section from the R148 to the south to the River Rye to the north.
- Finally, the applicant is requested to address some of the issues raised in the third-party submissions lodged in respect of the application.

#### **4.3. Applicant's Response to Further Information Request**

- 4.3.1. In relation to the new Eirgrid substation, the response states that the EIAR does not suggest that the existing Intel facility will be reliant on this new substation but rather Eirgrid estimates that to maintain existing standards for electrical management and supply both within the site and within the region, additional provision will be necessary for the transmission infrastructure in the vicinity of the site. However, Intel's proposed development 19/91 will be supplied via the existing Intel site grid infrastructure (transmission lines and substations) until such time as the proposed Eirgrid project is implemented and connected to the entire Intel facility. The applicant has met with Eirgrid who have confirmed that the connection options that were outlined and assessed in the EIAR remain as the options under consideration and full details of both options available at this present time are being considered.
- 4.3.2. The NIS has been amended to include the most up-to-date information in relation to the Eirgrid proposal in order to assist the Planning Authority in carrying out an appropriate assessment of the proposed development having specific regard to potential cumulative and in combination impacts. There is a large body of existing evidence which demonstrates that all developments at the Intel facility to date have in no way impacted on the integrity of the adjoining SAC.
- 4.3.3. Finally, it is stated that exact details as to how the connections will be facilitated by Eirgrid (namely an overhead or underground connection) remain undecided by Eirgrid at the time of submitting the additional information. In conclusion therefore, it is stated that the information provided by Eirgrid updates and confirms but does not change the assessment provided in the EIAR that accompanies the subject application.

- 4.3.4. In relation to the proposed upgrading of Junction 6 on the M4, it is stated that the works to be undertaken were predicated on Condition No. 4 of Reg. Ref. PL09.248582 (see Planning History below) which required improvement works to the M4 Motorway Interchange including proposed temporary traffic signals at Junction 6. Details of compliance with the above condition was submitted to Kildare County Council in December 2018 and were subsequently accepted by the Council. While the traffic analysis does present the rationale for retaining traffic signals at the M4 Interchange there is an opportunity during the construction phase to monitor traffic impacts in order to determine whether to install traffic signals post construction. The applicant is willing accept a condition on any permission which will require future monitoring of any signalised infrastructure on the M4 Interchange by both the Planning Authority and Transport Infrastructure Ireland.
- 4.3.5. Details of micro-simulation modelling for the proposed works at the M4 Interchange is presented in Appendix 1 of the submission. The response also states that the upgrade proposals as part of the current application provide an opportunity to explore and evaluate alternative traffic management proposals to safeguard the national road network.
- 4.3.6. Revised photomontages showing the proposed development in the context of the permitted solar farm are indicated in Attachment E. The assessment demonstrates that there will be no in combination or cumulative landscape effects arising from the development of the solar farm.
- 4.3.7. With regard to the maximum depth of an excavation proposed (additional information request Item 4) it is stated that these dimensions have already been provided. These confirm that the finished floor level of the AWN pit is proposed at a level of 29 metres OD with the finished floor level of 41.6 metres OD. Details are contained in Attachment B. (Drawing No. 9000SO8 Revision B).
- 4.3.8. Finally, the response goes on to address issues and concerns raised in the various third-party submission and prescribed body submissions contained on file.

#### 4.4. **Further Assessment by Planning Authority**

- 4.4.1. A report from the Environment Section stated that it has no objection subject to conditions.

- 4.4.2. A report from the Heritage Officer concludes that the proposed development would not have a significant impact on the conservation objectives or integrity of the Rye Water Valley/Cartron SAC.
- 4.4.3. A further report from the Roads and Transportation Planning Department confirms the original recommendation to grant planning permission and recommends that a total of 27 conditions be attached.
- 4.4.4. A report from Transport Infrastructure Ireland states that in relation to works to the M4 Junction 6, the applicant has submitted a comprehensive response to the Council's further information request and the approach outlined by the applicant is generally acceptable to TII. In the event that planning permission is forthcoming, the report recommends that a number of conditions be attached.
- 4.4.5. An additional planning report was prepared on foot of the above and concludes that the additional information submitted is acceptable and therefore there is sufficient information to assist the Planning Authority in carrying out an appropriate assessment and environmental impact assessment (these assessments are attached as Appendix A and B of the report). Furthermore, the additional information submitted has clarified all outstanding matters in relation to the traffic and visual impact and excavation requirements associated with the proposed development. It is considered that the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.
- 4.4.6. Kildare County Council therefore issued notification to grant planning permission for the proposed development.

## **5.0 Planning History**

- 5.1. Two history files are attached.

Under PL09.246905 An Bord Pleanála upheld the decision of Kildare County Council and granted planning permission for the replacement and relocation of an electrical switch room serving the FAB10 facility on site. An Bord Pleanála granted planning permission for the works proposed on 15<sup>th</sup> November, 2016 subject to five conditions.

Under PL09.248582 the Board upheld the decision of Kildare County Council and granted planning permission for the following:

- Revised design and configuration of previously permitted manufacturing building over four levels with a total floor area of 88,740 square metres.
- A revised design and configuration of previously permitted utility support buildings consisting of:
  - Two-level boiler and chiller building and associated roof mounting cooling towers.
  - A two-level water treatment building.
  - A two-level wastewater treatment building.
  - Single-storey electrical support buildings.
  - A two-level air compressor building.
  - A previously permitted multi-storey car park providing space for 2,200 cars.
  - Previously permitted chemical store and five water tanks 7 metres in height and 32 metres in diameter.
  - Other ancillary works including new underground utilities, landscaping, fencing, screening berms etc.

5.2. An Bord Pleanála granted planning permission subject to 14 conditions on 4th October, 2017.

5.3. A complete list of planning applications submitted to Kildare County Council for development on the Intel campus is contained in summary form in Section 3.1 of the planning report submitted with the application and in more detailed form in Appendix 3 of the same report. A total of 88 applications are listed in the Appendix, five of which were appealed to An Bord Pleanála.

## 6.0 Grounds of Appeal

6.1. The decision was the subject of a first-party and third-party appeal. The grounds of appeal are outlined below.

### 6.2. Third Party Appeal by Mr. Thomas Reid

- There are a number of EU Directives that supersede national planning guidelines and local areas plans. It is argued that these Directives, in particular the Habitats and the Seveso Directives should take precedent in terms of informing any planning decision.
- The proposal will have a major impact on the Rye Water Valley SAC. It is not accepted, as suggested in the information submitted with the application, that the proposal will have a direct positive effect on the SAC in question.
- It is contended that a section of the SAC along Kellystown Lane has been removed during the course of works undertaken to date.
- It is contended that Kildare County Council are massive financial beneficiaries resulting from the grant of planning permission.
- It is suggested that a degree of partiality has evolved in the decision-making process in relation to planning applications for Intel development.
- The proposed development will have a major impact on protected structures and sensitive landscape of the area.
- The proposal results in project splitting.
- The appeal is accompanied by various attachments which are appended to the main submission.

### 6.3. First Party Appeal on behalf of Intel Ireland Ltd.

6.3.1. A first party appeal was received on behalf of Intel Ireland Limited by AOS Planning. The appeal is made under the provisions of Section 139 and request that the Board omit in its entirety Condition No. 25. Condition No. 25 states as follows:

*The following noise limits shall apply to construction activity on the subject site.*

- (a) *70 dB(A) ( $L_{Aeq}$  1 hour) between 0800 hours and 1800 hours Monday to Friday inclusive (exclusive of bank holidays) and between 0800 hours and 1300 hours on Saturdays when measured as the nearest noise sensitive location in the vicinity of the site. Sound levels shall not exceed 45 dB(A) ( $L_{Aeq}$  1 hour) at any other time.*
- (b) *Noise from the development shall not give rise to sound pressure levels ( $L_{Aeq}$  15 mins) measured at noise sensitive locations which exceed the following limits:  
  
55 dB(A) between the hours of 0800 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays) and 45 dB(A) at any other time.*
- (c) *There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive locations.*
- (d) *A detailed noise study and recommendations shall be carried out by a competent noise/environmental consultant within 3 months of the development being in full operation and that any other time as may be specified by Kildare County Council. The noise study shall be submitted for the consent of the Planning Authority.*

*A noise sensitive location is defined as “any dwellinghouse, hotel or hostel, health building, education establishment, place of worship or entertainment or any other facility or area of high amenity for which its proper enjoyment requires the absence of noise at nuisance levels.*

6.3.2. It is argued that the relevant guidance applicable includes BS Standard Code 5228 for Noise and Vibration Control on Construction and Open Sites and Transport infrastructure Ireland’s “Good Practice for the Treatment of Noise in Road Construction Projects (2014). It is stated that An Bord Pleanála utilised the guidance of these documents in the decisions. The grounds of appeal go on to outline the guidelines contained in each of the documents for construction noise. It is argued that Condition 25(a) disregards the approach to construction noise set out in BS5228 and the TII Guidelines. The condition is inconsistent with accepted industry guidance and practice. It is noted that Chapter 10 of the EIAR applied the accepted industry standards as best practice approach for establishing acceptable construction noise for the proposed development. Table 10.3 sets out the permissible noise levels at

the façade of dwellings during construction. Between Monday and Friday 0700 hours to 1900 hours, a noise level of 70 dB(A)<sub>L<sub>Aeq</sub></sub> with an L<sub>A</sub> max of 80 dB(A) specified in the Table.

- 6.3.3. It is also argued that there is a contradiction between Condition 9(c) and Condition 25(a).
- 6.3.4. Condition 9(c) requires a noise management plan which will have regard to best practice measures outlined in BS5228:2009 *“Noise and Vibration Control on Construction and Open Sites”*. Requiring compliance with BS5228:2009 introduces a different noise standard to that imposed in Condition 25(a).
- 6.3.5. It is argued that both An Bord Pleanála and Kildare County Council have already referred to the accepted noise guidance for construction activities in previous decisions. Specific reference is made to An Bord Pleanála PL09.248582.
- 6.3.6. With regard to Conditions 25(b), (c) and (d) it is stated that Intel operates under an Industrial Emissions (IE) license granted by the EPA and the noise is regulated by the emission limit set out in B.4 to that license. The EPA will continue to regulate noise emissions when a license review application is submitted and issued. The controlling of emissions during the operation phase is a function of the EPA under Section 99(f) of the EPA Act 1992.
- 6.3.7. For the above reasons it is argued that the imposition of Conditions 25(b), (c) and (d) are ultra vires and contrary to the EPA Act 1992.

## **7.0 Appeal Responses**

### **7.1. First Party Response to the Grounds of the Third-Party Appeal**

- 7.1.1. It is argued that all planning matters raised in the third-party appeal have already been previously covered and addressed with the planning application submitted to Kildare County Council and the additional information submission to the same authority. It is also noted that similar issues were raised and dealt with by the Board under previous appeals PL09.241071 and PL09.248582.

- 7.1.2. The grounds of appeal set out in tabular form the issues raised and how these issues were previously raised and addressed under An Bord Pleanála Ref. PI09.241071 and PL09.248582. The response goes on to argue that the proposal is fully in accordance with the zoning provision for the site. It is also stated that national, regional and county and local guidelines and plans support the proposed development and take into account the requirements of the provision of both the Habitats Directive and the Seveso Directive. Such guidelines and plans must comply with specific environmental procedures and requirements set out in the EU Directives. The impact of the proposal on protected sites are addressed in the Biodiversity Section of the EIAR and in the Natura Impact Statement. In relation to the impact of the proposal on the SAC contiguous to Kellystown Lane, it is stated that neither the Intel boundary site nor the site boundary of the proposed development extend to the western side of Kellystown Lane.
- 7.1.3. Compliance with the Seveso Directive is addressed in the 'COMAH Land Use Planning Assessment Report' submitted with the original documentation. It is noted that Intel is an upper tier Seveso establishment. Possible major accident hazard sources have been fully identified and assessed following the requirements of the Health and Safety Authority using quantitative risk assessment modelling software and all risks have shown to be within the site boundary.
- 7.1.4. Potential impacts on protected structures are addressed within the cultural and architectural heritage section of the EIAR and the landscape and visual impact section. Furthermore, reference is made to previous planning inspector's report under PL09.248582 which concluded that the proposed development would not detract from the architectural heritage of the area or unduly impact on the character, setting or views in the area. It is argued that the proximity and scale of the development under the current application is similar to that granted by the Board under PL09.248582.
- 7.1.5. With regard to risk to health and safety, reference is again made to the COMAH Report submitted with the application and Section 5.4 which relates to human health in the EIAR.
- 7.1.6. Any concerns in relation to air emissions from chemical processors are a matter for the EPA. The EPA sets emission limit values to ensure that permitted emissions



would not cause environmental pollution. Intel Ireland will continue to comply with EPA license limit values.

- 7.1.7. The impact on the proposed development on the surrounding road network has been addressed in the Traffic and Transportation Section of the EIAR. The proposed development includes specific measures set out in the EIAR which will improve the overall operational performance of the surrounding road network whilst significantly improving facilities for walking, cycling and public transport.
- 7.1.8. With regard to project splitting, it is stated that project splitting refers to where a project is intentionally split into component parts in order to avoid triggering an EIAR. An EIAR has been prepared for the current development and therefore does not constitute project splitting.
- 7.1.9. In conclusion, it is stated that the proposed development has demonstrated compliance with planning policies and is fully in accordance with the proper planning and sustainable development of the area.

## **7.2. Third Party's Response to the First Party Appeal**

- 7.2.1. A submission from Mr. Thomas Reid, in relation to the first-party appeal stated that noise levels should be half the level of that specified in Condition No. 25 on the basis that the site is located well within 500 metres of the Rye Water Valley/Carton SAC and such low noise levels are required to protect wildlife.
- 7.2.2. Concerns are reiterated that the development before the Board was dealt with in a less than impartial way. It is reiterated that parts of the SAC were eradicated under previous works undertaken as part of the Intel development. It is suggested that reduced noise levels would have a major positive impact on the European site and would also result in a reduction in light spill.
- 7.2.3. It is also stated that the first party appeal by Intel Ireland is not valid because it did not include a Planning Authority acknowledgement. It is stated that all appeals, ie both first-party and third-party appeals must have an acknowledgement accompanied for a valid appeal. As such the appeal should be dismissed.

## **7.3. Further Submission by Applicant in Response to First Party**

- 7.3.1. It is reiterated that all the planning matters have already been previously covered and addressed in the documentation submitted. It further states the following:

Noise limits in relation to the proposed development are set and monitored by the EPA during the operational phase. It is reiterated that neither the Intel site boundary nor the site boundary of the proposed development extended to the boundary of the Rye Water Valley/Cartron SAC. The impact of the proposal on protected sites are addressed in the biodiversity section of the EIAR and the Natura Impact Statement submitted with the application. There are also specific measures contained in the EIAR (Section 6.5.2) which includes specific measures to control and reduce light spill during the construction and operation phase of the project.

7.3.2. With regard to the invalidity of the appeal made by Intel, reference is made to Section 127(1)(e) of the Planning and Development Act 2000. It is clear from this provision that it is not a requirement for the first party to submit an acknowledgement slip. This is only a requirement where a person has made a submission or observation in accordance with the permission regulations.

#### **7.4. Further Submission by Thomas Reid received by the Board on the 25<sup>th</sup> July, 2019.**

7.4.1. Concerns highlighted in the original grounds of appeal with regard to EU Directives overriding national and local planning guidance is reiterated. It is also reiterated that the SAC in question does extend to the western side of Kellystown Lane.

#### **7.5. Planning Authority's Response to Grounds of Appeal**

7.5.1. A submission from Kildare County Council dated 25<sup>th</sup> July, 2019 states that Kildare County Council have no further observations to make in respect of the appeal.

### **8.0 Observations**

Two valid observations were submitted.

#### **8.1. An observation from Mr. Emmet Stagg, Kildare North Council Representative.**

This observation fully supports the proposed development on the basis that it is fully in accordance with national, regional and local policy. Furthermore, it is stated that it is fully in accordance with the Leixlip LAP and the Draft Leixlip LAP. The local area plan supports significant business/technology development in Leixlip to drive economic growth. The statement that the proposal is part of a strategic initiative to ensure the campus is optimised and is competitively placed to compete for the next

generation of investment, it is envisaged that up to 3,000 people will be employed in construction for four years and up to 6,000 at peak construction for a period of six months. When operational there will be an additional 1,600 full time permanent jobs on site. To date Intel have invested c.€12.5 billion at the Leixlip plant which shows a major commitment to both Leixlip, Kildare and the State. Given the importance of the proposal to the county and State and given its compliance with development plan strategies and guidelines, It is argued that An Bord Pleanála should uphold the decision of Kildare County Council and grant planning permission for the proposed development.

## 8.2. **Observation from Peter Sweetman**

8.2.1. It is stated that the Planning Authority has failed in its duty to make a proper assessment as required under the Environmental Impact Assessment Directive. In particular reference is made to the following:

- (iii) the examination by a competent authority of the information presented in the Environmental Impact Assessment report and any supplementary information provided where necessary by the developer in accordance with Article 5(3) and any relevant information received through the consultations under Articles 6 and 7,
- (iv) the reasoned conclusion by a competent authority on the significant effects of the project on the environment, taking into account the results of the examination referred to in Point (3) and where appropriate its own supplementary examination, and
- (v) the integration of the competent authority's reasoned conclusions into any of the decisions referred to in Article 8(a).

8.2.2. Reference is made to the application for a 220 kV electrical substation. Comprising of 2 no. 220 kV circuits forming a loop-in/loop-out to the existing Maynooth – Woodland 220 kV overhead line and 3 no. 220 kV circuits at Intel Ireland Facility, Leixlip (ABP303412-19<sup>1</sup>). It is stated that these two developments are for the one actual development and therefore constitutes project splitting as per the O'Granna and Others versus An Bord Pleanála (2015) IEHC248.

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<sup>1</sup> Pre-app file reference number.

### **8.3. Other Submissions**

- 8.3.1. A submission from the Geological Survey (Department of Communications Climate Action & Environment) makes reference to its Irish Geoheritage Programme which seeks to ensure the recognition and appropriate protection of geological heritage within the planning system. In this regard reference is made to the Louisa Bridge Warm Spring, a County Geological Site (CSI) which is located along the eastern boundary of the Intel Facility. The Board are also directed to the GSI Groundwater Programme which monitors groundwater on a national basis. Details of the Louisa Bridge Spring is attached as a separate document.

## **9.0 Planning Policy Context**

### **9.1. National Planning Framework**

- 9.1.1. The NPF states that in the long-term, meeting Ireland's development needs with regard to housing, employment, services and amenity on mainly greenfield locations would cost at least twice that of a compact/smart growth-based approach (Section 2.6). It is further stated in Section 4.5, that the National Planning Framework targets a significant portion of future urban development in infill brownfield development sites within the built footprint of existing areas. This means encouraging more people, jobs and activity generally within our existing urban areas rather than mainly greenfield development which requires a change in outlook.

### **9.2. Regional Planning Guidelines for the GDA (2012-2022)**

- 9.2.1. In the Regional Planning Guidelines, Maynooth and Leixlip are identified as large growth towns within the metropolitan area. These towns are identified as being smaller in scale but strong active growth towns, economically vibrant with high quality transport links to larger towns/cities. Maynooth/Leixlip is identified as a core economic area (see Page 72). It is noted that at the Intel campus at Leixlip, in addition to manufacturing, the campus includes the Intel Innovation Centre for researching and developing leading edge IT solutions on technology. The centre in partnership with NUI Maynooth, has set up the Innovation Value Institute, a multi-disciplinary research and education institute which is designed to help achieve sustainable economic value from IT and quantify and understand the true business

value of strategic IT investments. This cluster has already established synergies between the education sector and major employers. Building upon this, the focus of employment cluster activity should be within the high tech/biotech sectors research and development, ICT and manufacturing all of which should be used to brand the cluster as a centre of excellence in the knowledge-based economy.

9.2.2. Strategic Policy EP2 seeks sustainable economic growth across the GDA by promotion of identified core economic areas across the GDA in both Dublin and Mid-East regions to facilitate new employment opportunities to existing populations and seek to reduce the volume of unsustainable long-distance commuting.

9.2.3. The strategic recommendations contained within the Regional Planning Guidelines include the following:

ER1 – delivered to GDA as an attractive international destination for business with the city region and identified strategic economic growth centres as focal points for regional critical massing and employment growth in order to sustain, promote and develop and attract economic activity.

ER6 – seeks to support the development of economic clusters and sectoral opportunities around the regional planning guidelines, strategic growth towns and core economic areas and support policies which facilitate opportunities for clustering activities which have a tangible locational requirement outside these centres.

### 9.3. **The Kildare County Development Plan 2017-2023**

9.3.1. In the core strategy of the county plan it is envisaged that Leixlip will continue to develop as a large growth town in Dublin's metropolitan area and Policy CS5 seeks to support the development of the identified strategic growth centres of Naas, Maynooth, Leixlip and Newbridge as focal points for regional, critical massing and employment growth.

### 9.4. **The Leixlip Local Area Plan 2017-2023**

9.4.1. The local area plan notes that Intel is one of the largest employers in the county and has a long-established relationship with Leixlip. The appeal site which is the subject of the current application is zoned industrial and warehousing. The zoning objective seeks to provide for industry, manufacturing, distribution and warehousing. The immediate lands to the north are zoned for agriculture. Lands to the immediate south

and east are zoned for open space and amenity while lands to the south-west are zoned for business and technology and will be the subject of a separate masterplan. Kellystown Lane along the western boundary of the site and the Confey Road to the north of the site are earmarked for road improvements.

- 9.4.2. Policy EDT1 states it is the policy of the Council to support the development of Leixlip as an enterprise and employment hub for north-east Kildare.
- 9.4.3. Objective EDT01.3 seeks to facilitate the expansion of industries in Leixlip, taking full account of the obligation under the Habitats and Birds Directive and to the sensitivities of the receiving environment, including ensuring that proposals for development that could potentially affect the integrity of the Natura 2000 network, will only be approved if it can be ascertained by means of an appropriate assessment or other ecological assessment that the integrity of these sites will not be adversely affected.
- 9.4.4. Policy EDT01.5 seeks to have regard to the following in assessing applications for development (including extensions in the vicinity of the Intel Seveso site).
  - (a) Major Accidents Directive (Seveos III Directive 2012/18/EU).
  - (b) The potential effects on public health and safety.
  - (c) The need to ensure adequate distances between such developments and residential areas, areas of public use and other areas of sensitivity.
  - (d) The advice of the Health and Safety Authority.
- 9.4.5. In terms of energy supply and communications the Plan notes that transmission lines in the area are double circuited 110 kV lines including associated loops serving Hewlett Packard and Intel. Upgrades to the transmission network to serve these major industrial connections are planned.
- 9.4.6. Section 11.2 of the local area plan relates to green infrastructure. It notes that, in addition to the Rye Water Valley/Carton SAC, Liffey Valley and Royal Canal, woodlands, hedgerows, treelines, watercourses and extensive areas of grassland within the farmlands of Collinstown and Confey, in Saint Catherine's Park, Leixlip Manor, Leixlip Castle, Barnhall and the surroundings of the commercial grounds of Intel and Hewlett Packard all provide excellent habitats which are interlinked and

support widespread habitat connectivity across the study area and contribute to the green infrastructure network of Leixlip.

## 10.0 Planning Assessment

I have read the entire contents of the file, including all the documentation submitted with the application, I have visited the subject site and its surroundings and I have had particular regard to the issues raised in both appeals and the observations submitted. I consider the pertinent issues in determining the current application and appeal before the Board are as follows:

- Principle of Development
- Local Planning Policy versus EU Directives
- Visual Impact and Impact on Built Heritage
- Traffic and Roads Impact
- Impact on Air Emission
- Project Splitting
- Other Issues

### 10.1. Principle of Development

10.1.1. There are numerous policy statements in national, regional, county and local area plans which would support the development proposed.

10.1.2. The NPF emphasises the need for compacting growth in urban areas. There is a presumption in favour of directing employment and employment opportunities to locations within urban footprints. The proposal seeks to develop within the existing footprint of the campus utilising existing infrastructure serving the area. There is a strong emphasis in the NPF to enable and grow a strong economy supported by next generation enterprising skills. Section 4.4 of the NPF seeks to plan for and promote urban employment growth and strategic employment development.

10.1.3. The Maynooth/Leixlip core economic area is identified and highlighted in the Regional Planning Guidelines for the Greater Dublin Area. It has been identified and

designated as a principle economic growth centre. The Intel plant has also been identified as a major driver for facilitating economic and employment growth within the corridor. The corridor is prioritised for economic development and investment in the Regional Planning Guidelines.

10.1.4. The proposed expansion fully complies with strategic policy objectives contained in the Kildare County Development Plan 2017-2023 and the Leixlip Local Area Plan under which the subject site is zoned for industrial and warehousing use. The zoning objective is to provide for industry, manufacturing, distribution and warehousing. The proposal full accords with this zoning objective.

10.1.5. Finally, in relation to the principle of development, I note that both Kildare County Council and An Bord Pleanála have adjudicated on similar type developments on the subject site under PL09.241071 and PL09.248582. Planning permission was sought for developments of a similar size and scale at the Intel facility to that under the current application. In both the above cases, Kildare County Council granted planning permission for the development and this decision was upheld by the Board on appeal. Thus, there is planning precedent for developing and expanding the fabrication manufacturing buildings and associated works on the subject site.

10.1.6. Therefore, having regard to

- (a) the zoning objective for the site,
- (b) the national and local planning policy in relation to encouraging employment generating activities particularly within existing built up areas and specifically within the Leixlip/Maynooth Economic Corridor in which the Intel facility is located, and
- (c) the planning precedent set out by the granting of planning permission for similar type developments on the subject site,

I consider the principle of development to be acceptable.

## 10.2. Local Planning Policy versus EU Directives

10.2.1. The grounds of appeal suggest that in dealing with the application, Kildare County Council have placed greater emphasis on local planning policy as set out in the development and local area plans at the expense of the wider overarching EU



Directives which should take precedent in determining an application of this nature. It is also suggested that the EIA undertaken has not adequately identified the true impact of the proposal on the environment.

10.2.2. A comprehensive and objective evaluation of the EIAR submitted with the application is set out under a separate heading below.

10.2.3. With regard to the non-compliance with the other Directives mentioned above, specific reference is made in the grounds of appeal to the Habitats Directive and the Seveso Directive. I note however that the perceived deficiencies in the assessment undertaken by Kildare County Council in the context of these Directives is not elaborated upon the grounds of the third party appeal.

10.2.4. I have read the entire contents of the file including the local authority planner's report prepared on foot of the planning application. I consider that this report adequately assesses the proposal both in the context of the Habitats Directive and the Seveso Directive. The Board will note that Appendix B of the planner's report incorporates a detailed AA (Stage 1 and Stage 2) evaluation. I also note that the planning report specifically assesses the proposed development in the context of the Seveso Directive and notes that a COMH Land Use Planning Assessment Report was prepared by the applicant and submitted as part of the application. Therefore, I do not accept that Kildare County Council took little or no account of the above Directives in determining the application.

10.2.5. Furthermore, I am satisfied that the applicant has had due regard to the provisions of the Habitats Directive and the Seveso Directive in submitting the documentation for adjudication by both the Planning Authority and An Bord Pleanála. The applicant has submitted a detailed Natura Impact Statement with the original application and this statement was augmented by the inclusion of Table 7 (see Attachment C of the additional information submitted) which identifies specific projects which may have the potential to create in-combination effects with the proposed development. A separate independent and comprehensive Appropriate Assessment of the proposed development in accordance with the requirements of the Habitats Directive is undertaken in a separate section below in this report.

10.2.6. I have also had regard to the detailed COMH land use planning assessment report of the proposed extension to the previous permitted manufacturing building on the

subject site which was undertaken by AWN Consulting. This report identified the major potential accident hazards within the subject site. The assessment was conducted in accordance with the recommended policy and approach of the Health and Safety Authority in relation to risk-based land use planning. The impacts of the physical and health effects on workers and the general public outside the established boundary were also determined using modelling accident scenarios. On foot of the modelling exercise undertaken, it was determined that the maximum level of individual risk both on and off site was determined to be in an acceptable range. Based on the documentation submitted, and the analysis undertaken by the applicant and assessed by both the Planning Authority and An Bord Pleanála, I am satisfied that both the applicant and the competent authorities adjudicating on the application, have had due regard to both the Habitats Directive and the Seveso Directive in determining this application.

### **10.3. Visual Impact and Impact on Built Heritage**

- 10.3.1. It is acknowledged that there are a number of protected structures in the vicinity of the subject site and these are indicated in Figure 15.9 of the EIAR. These include Hedsor House (the resident of the current third-party appellant), Ravensdale House and Gate lodge, Carton House and associated outbuildings and Deeley Bridge an 18<sup>th</sup> century stone bridge that traverses the Royal Canal to the south of the site. While there are a number of protected structures in the surrounding area, mainly comprising of houses located within historic demesnes, the houses in question are not located contiguous to or adjacent to the Intel lands.
- 10.3.2. Deeley Bridge is located in closest proximity to the proposed development c.200 metre south of the main area where the extension is proposed. The bridge is physically separated from the subject site by the R148 and the setting and context of the bridge will not be altered by the proposed extension having regard to the presence of the existing facility on the campus. The closest above ground structure is Hedsor House which is located c.500 metres to the west of the site. This in my view is a significant separation distance and will not result in any direct impact on the setting and context of Hedsor House. All other protected structures in the wider area are located in excess of a kilometre from the area where it is proposed to accommodate the works to be undertaken and as such I do not consider that the

proposed extension will in any way impact on the integrity or setting of the protected structures in the wider area.

10.3.3. Any indirect impacts that can be anticipated would relate to views from the protected structures towards the subject site. However, having regard to the presence of the existing industrial complex/campus at the Intel site, the proposed extension would sit comfortably within the context and character of existing structures on site and therefore any alteration in views from the protected structures in question would be barely perceptible.

10.3.4. With regard to the visual impact arising from the proposed development a similar conclusion can be drawn. I further note that the site is relatively well screened by existing buildings at the facility from vantage points along the R148. And also with significant bands of mature trees and hedgerows surrounding the site particularly along the eastern, northern and western boundaries. The EIA contains a series of composite view photomontages which illustrate the potential visual impact that would arise as a result of the proposed buildings. It is apparent that, on the whole, the proposed structures will not be readily visible from vantage points in the vicinity of the subject site due to both the existing natural screening surrounding the site but also the presence of existing buildings on site. The fact that the building will set into excavated ground levels will also assist in reducing the visual impact. While there are a number of historic demesnes in the wider area, the natural landscape could not be regarded as pristine having regard to the presence of existing industrial structures in the immediate vicinity and the presence of large electricity lines in the wider area.

10.3.5. Finally, in relation to this matter I refer to the fact that the Board have adjudicated on previous applications of a similar nature on the subject site and have determined that the visual impact arising from the previous proposals were deemed to be acceptable. The precedent decisions have in my opinion established a conclusion that expansion projects on the size and scale proposed within the campus are acceptable from a visual perspective.

#### 10.4. **Traffic and Roads Impact**

10.4.1. The final page of the third party appellant's submission states that the proposed development will have a major impact on roads. Details of the impact are not elaborated upon in the grounds of appeal. The EIAR submitted with the application

provides a detailed assessment of the predicted impacts arising in terms of traffic and transportation. In terms of construction impacts, Table 13.9 of the EIAR sets out details of the trip assignment predicted during the construction phase. While the peak construction phase is expected to generate significant volumes of construction traffic due to both the mass excavation of materials and the construction of buildings on site particularly along the R449 and the R418, the assessment undertaken indicates that all junctions in the vicinity of the proposed development have sufficient capacity to accommodate the projected increase in traffic during the construction phase of the proposed development. It is acknowledged however that the M4 Interchange requires upgrading to include traffic signals during the peak construction period. It is clear from the information contained on file, that the changes required at the M4 Interchange at Junction 6 will require careful monitoring during the construction phase and that these proposals are acceptable to both Kildare County Council and Transport Infrastructure Ireland. While the traffic impact during the construction phase will be discernible along some of the routes in the vicinity of the site, any such impact will be temporary and should be balanced against the investment and employment opportunities offered by the proposed development in the Board's adjudication of the application.

10.4.2. During the operation phase, Table 13.11 sets out the future projected traffic flows on the road network surrounding the Intel facility. It is noted that the projected increase in traffic along the R148 and R449 would range between 10 and 30%. However, the increase in traffic along the M4 Motorway is considerably less at c.3%. The overall impact on traffic conditions is described as moderate in the EIAR. The traffic and modelling undertaken indicates that the junctions in the vicinity of the proposed development are all predicted to have sufficient capacity to accommodate the projected increase in traffic envisaged in the year 2024. Longer term infrastructural improvements envisaged for the roads (including the upgrading of the R148 which is already underway) and public transport network will increase the capacity of the wider transport network in the area over the longer term. The traffic impact arising from the proposed development in my view is therefore acceptable.

## 10.5. Impact on Air Emissions

10.5.1. The final page of the third-party appellant's appeal suggest that the proposal could result in major air emissions from chemical processing on site. The Board will be

aware that the proposed expansion to the Intel facility will be subject to a separate application for an industrial emissions license from the EPA. The EPA acknowledge that the licence may need to be reviewed or amended to accommodate changes in the proposed planning application. A valid license exists under P0207-04 which was issued in December, 2013 by the EPA. Matters in relation to air emissions for facilities for which an IED License is required is a matter for the EPA and not An Bord Pleanála. As per the EPA Act 1992 (as amended) it falls within the jurisdiction of the EPA to set emission limit values where IED License is required and as a license has already been issued in respect of the facility it is incumbent upon the applicant to comply with the EPA license limit values. The Board may wish to note that the EIAR includes an assessment of the anticipated impact arising from the proposal in terms of air quality and climate and concludes that no residual impacts in terms of air quality are anticipated resulting from the proposed development.

#### **10.6. Project Splitting**

- 10.6.1. The observation submitted by Mr. Peter Sweetman states that the subject development in conjunction with the separate application ABP304862 (the 220 kV gas insulated switchgear substation together with underground circuits) constitutes one actual development and as such represents project splitting as determined by the O’Grianna judgement (O’Grianna and others versus An Bord Pleanála (2015) [IEHC 248]. Project splitting constitutes an attempt by the developer to deliberately frame development as a series of projects each of which will fall below the relevant threshold for EIA thus evading obligations pursuant of the EIA Directive altogether. An EIA in this instance accompanies the application and therefore no issue arises in respect of project splitting in order to circumvent the requirement of carrying out EIA.
- 10.6.2. With regard to the O’ Grianna Judgement this case determined that the grid connection works for wind farm projects must be regarded as an integral part of the overall project as the wind farm and the grid connection were inter-dependent in the sense that one could not function without the other. Rather than considering the matter as projecting splitting, the judgement focussed on the requirement that the wind farm be assessed cumulatively with the grid connection. This issue was raised by Kildare County Council in its request for additional information. In response the applicant clearly indicated that the current proposal before the Board will be supplied “via existing Intel site grid infrastructure (transmission lines and substations) until

such time as the proposed Eirgrid project is implemented and connected to the entire Intel facility. The applicant stresses that the Eirgrid project proposed under ABP304862 constitutes an improvement to existing supply to facilitate, secure a reliable supply to the Intel site and the wider community.

- 10.6.3. It appears therefore that while the Intel site will avail of improved power supply, it is not totally dependent on the upgrade of the electricity grid. Therefore, the two projects in combination would not meet the test set out in the O’Grianna judgement in that one project could not function without the implementation of the other project. The EIAR in Section 12.4.2 clearly states that “*Eirgrid confirm that there is adequate transmission and distribution facilities (including substations and transmission lines) to sustain a secure and reliable supply of power to the Intel manufacturing facility in Leixlip, County Kildare*”. It appears therefore that the project could in fact proceed independently of whether or not the Eirgrid project for the Leixlip area goes ahead. There can be no doubt that if the Eirgrid development does go ahead, the Intel campus will benefit from the increased security of supply but it is not totally reliant on an increase in supply to facilitate the proposal. The proposed development therefore does not contravene the legal test set out in the O’Grianna judgement in my view.
- 10.6.1. While the EIRGRID application states throughout the documentation submitted that the 220kV substation is to facilitate the Intel extension, it appears from the response by the applicant to the further information request, that while the proposed substation will be beneficial and will augment the energy supply to Intel, the proposed extension to Intel is not solely reliant on the provision of a new 220kV substation in order to operate. While the provision of a new power supply constitutes an essential service to Intel and the surrounding area, it cannot be regarded as a single project in my view.
- 10.6.2. In my opinion therefore, the fundamental test set out in O’Grianna has been passed in the case of the proposed extension, in that the Intel extension and the 220kV substation is not a single project, and the proposed extension of the Intel facility can be completed and become operational in the absence of the 220kV substation being progressed.
- 10.6.3. It is also apparent that the proposed 220kV substation is not intended exclusively for the Intel facility and will be available to augment power supply in the wider area.

10.6.4. Finally in relation to this issue, the O Grianna Judgement makes no requirement for the EIRGRID connection and the extension to the Intel facility to be included as a single application. There is a requirement for any EIA under these circumstances must consider and assess cumulative effects. The applicant has, as far as practically possible, assessed cumulative effects in the response to the additional information request by Kildare Co. Council. Furthermore, the Environmental Report submitted with the EIRGRID application also, where appropriate and relevant, assesses potential cumulative effects.

10.6.5. In conclusion I am satisfied that no issues arise in respect of the current application, the EIRGRID application and the O’Grianna Judgement.

## 10.7. Other Issues

10.7.1. The third-party appellant, Mr. Thomas Reid in his second submission to the Board argues that the Board should invalidate the first party appeal in relation to Condition No. 25 on the basis that no acknowledgement accompanied the appeal.

10.7.2. The provisions of Section 127(e) of the Act are clear and unambiguous in that it is only where in the case of an appeal under Section 37 by a person who made submissions or observations in accordance with the permission regulations, that any such appeal must be accompanied by an acknowledgement by the Planning Authority of receipt of the submission or observations. Therefore, it is only in the case of third parties that such an acknowledgement is required. The applicant is perfectly entitled to appeal a decision or a condition relating to a decision under the provisions of Section 37(1)(a) of the Act.

## 10.8. Condition No. 25 (Grounds of First Party Appeal)

10.8.1. Condition No. 25 states the following:

The following noise limits shall apply to construction activities on the subject site.

(a) *70 dB(A) ( $L_{Aeq}$  1 hour) between 0800 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays) and between 0800 hours and 1300 hours on Saturdays when measured at any noise sensitive location in the vicinity of the site. Sound levels shall not exceed 45 dB(A) ( $L_{Aeq}$  1 hour at any other time).*

(b) *Noise from the development shall not give rise to sound pressure levels ( $L_{Aeq}$  15 minutes) measured at noise sensitive locations which exceed the following limits.*

*55 dB(A) between the hours of 0800 hours and 1800 hours Monday to Friday inclusive (excluding bank holidays), 45 dB(A) at any other time.*

(c) *There should be no clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location.*

(d) *A detailed noise study, recommendations, shall be carried out by a competent noise/environmental consultant within three months of the development being in full operation and any other time as may be specified by Kildare County Council. The noise study shall be submitted for the consent of the Planning Authority.*

10.8.2. The applicants require that this noise condition be omitted in its entirety on the grounds that it is inconsistent with the limits prescribed by established industry standard guidance on construction projects. Furthermore the appeal argues that the condition contradicts the requirements of Condition No. 9(c) which requires the applicant to submit a noise management plan which shall have regard to best practice measures outlined in BS5228:2009 Noise and Vibration Control on Construction and Open Sites. It is also submitted that Conditions 25(b), 25(c) and 25(d) are ultra vires as they relate to noise levels during the operational phase which are a matter for the EPA and not the Planning Authority as the facility in question is the subject of an Industrial Emissions License and therefore any conditions controlling emissions (including noise) during the operational phase is a matter for the EPA and not the Planning Authority as specified in Section 99(f) of the EPA Act 1992.

10.8.3. In relation to the latter issue I would fully concur with the grounds of appeal that, as the facility constitutes an activity which falls within Schedule 1 of the EPA Act, an industrial emissions license is required and as such all matters relating to controlling emissions during the operational phase of the activity is a matter for the EPA and not the Planning Authority. Any conditions therefore in relation to noise limits can only apply during the construction phase and not the operational phase.



- 10.8.4. The construction phase requires the applicant, prior to the commencement of development, to submit a noise management plan which shall have regard to best practice measures outlined in BS5228:2009 with regard to noise and vibration control and construction on open sites. In my view this condition is sufficient to ensure that appropriate noise levels during the construction phase are agreed between the applicant and the Planning Authority.
- 10.8.5. The suggestion by the third-party appellant that noise levels should be halved in any condition implemented by the Board is not reasonable or practical for the purposes of construction activities on site.
- 10.8.6. Arising from my assessment therefore I consider that the Board should incorporate a condition requiring the applicant to submit a noise management plan which should have regard to best practice measures set out in BS5228:2009 in respect of noise and vibration control on construction and open sites. Details of this noise management plan can be agreed between the applicant and the Planning Authority and this in my view would eliminate any ambiguity or contradictions in relation to noise levels during the construction phase.

#### 10.9. **Appropriate Assessment**

- 10.9.1. This section of the report considers the implications of the proposed development in terms of its potential effects on its own or in combination with other plans and projects on the qualifying interests associated with designated Natura 2000 sites in the vicinity. This section also specifically addresses concerns raised in the grounds of appeal with regard to the potential impact of the proposed development on the Rye Water Valley/Carton SAC (001398).
- 10.9.2. The purpose of AA is to examine and determine whether a plan or project can be excluded from AA requirements because it is directly connected with, or necessary for, the management of a site and/or if the potential effects of a project or plan either alone, or in combination with other projects and plans, on Natura 2000 sites in the vicinity in view of the conservation objectives, will be significant.
- 10.9.3. An appropriate assessment screening report was prepared in relation to the current application which, reasonably in my opinion, concluded that there is potential, based on the precautionary principle for likely significant effects on European sites in the

surrounding area most notably the Rye Water Valley/Cartron SAC and to a lesser extent a number of Natura 2000 sites located in the Dublin Bay area.

10.9.4. The NIS which was prepared on foot of the appropriate assessment screening report notes that the Rye Water Valley/Cartron SAC lies adjacent to the northern boundary of the site, in close proximity to the works to be undertaken. The Rye River is a tributary of the River Liffey. While the River Liffey in itself is not a designated Natura 2000 site, the river discharges into Dublin Bay which hosts a number of Natura 2000 sites including:

- The North Dublin Bay SAC (Site Code: 000206) (c.25 kilometres from the subject site).
- The South Dublin Bay SAC (Site Code: 000210) (c.25 kilometres from the subject site).
- The North Bull Island SPA (Site Code: 004006) (c.25 kilometres from the subject site).
- The South Dublin Bay and River Tolka SPA (Site Code: 004024) (c.25 kilometres from the subject site).

10.9.5. The qualifying interests associated with the Rye Water Valley/Cartron SAC include:

- Petrifying springs with tufa formation.
- The Narrow Mouthed Whorl Snail (*vertico angustair*).
- Desmoulin's Whorl Snail (*vertico moulinsiana*).

10.9.6. The conservation objective associated with this SAC is to maintain or restore the favourable conservation condition of Annex I habitats and/or the Annex II species for which the SAC has been selected.

10.9.7. No part of the proposed development encroaches into the boundary of the SAC site and as such the development will not result in any loss, fragmentation or direct interference with any of the habitats for which the SAC is designated. The development will not result in the disturbances of any species for which the SAC is designated as it is not proposed to carry out any instream works hence no fragmentation of water-based species is anticipated.

10.9.8. There is however in the absence of appropriate mitigation measures, potential to impact on the qualifying interests associated with the SACs. These potential impacts are identified below.

- An accidental pollution event during the construction or operation phase arising from any wastewater produced during the manufacturing process or from sanitary wastewater could be accidentally discharged into the River Rye and such a pollution event could ultimately be discharged into the River Liffey and onwards to Dublin Bay affecting Natura 2000 sites within the Bay. A pollution event of a sufficient magnitude has the potential to affect receiving aquatic and marine environments including aquatic species associated with those environments. There is also a potential to alter the hydrogeological regime which supports wetland habitats including the priority Annex 1 petrifying spring habitats which lie adjacent to the Rye Water Valley/Cartron SAC. These wetland habitats support the Narrow-Mouthed Whorl Snail and Desmoulin's Whorl Snail populations. The major hydrogeological impact could arise from dewatering activities undertaken during deep excavations of the proposed manufacturing buildings on site. (The NIS points out however that any excavation carried out on site will only have a localised effect on groundwater levels as recharge rates in the immediate vicinity will ensure that groundwater levels or flows will not result in any altering of the groundwater regime in the vicinity of the SAC).
- Japanese Knotweed has been recorded within the proposed development site and there is a potential that this invasive species could be spread or introduced into the terrestrial habitat within the Rye Water Valley/Cartron SAC.
- There is also a potential of habitat degradation as a result of potential air pollution impacts arising from the manufacturing processes undertaken on the site. Dust generation and deposition during construction has the potential to degrade habitats within lands contiguous to the site.
- Construction related disturbance and displacement of fauna species could potentially occur within the vicinity of the proposed development. However, construction activities are not anticipated to have any adverse impact on the

species that form part of the qualifying interests associated with the Rye Water Valley/Carnton SAC.

10.9.9. The NIS sets out a series of mitigation measures in Section 6.1.4 that would be implemented during the construction and operation phase to avoid or reduce the potential impact of the development on the Rye Water Valley/Carnton SAC.

10.9.10. The measures to protect surface water quality during construction include the following:

- Management and control of surface water run-off.
- Appropriate storage and handling of all fuel, chemical and hazardous materials on site.
- Detailed emergency responses to accidental spillages.
- Monitoring and maintenance of the wastewater treatment system proposed on site. All effluent generated from the contractor's sanitary facilities will be directed to the existing foul sewer network. Also in relation to foul sewage testing and inspection of on-site sewers and new sewer connections and procedures to isolate, contain and dispose of any leakage of the foul sewer will be put in place.
- It is proposed to monitor and maintain all the existing pollution control measures in compliance with the requirements of the IE license issued by the EPA including any technical amendments to the said license if required on foot of the current application.

10.9.11. Measures to protect groundwater quality during construction include the following:

- Management and control of surface water run-off and concrete floors in deep excavations.
- Management and control of concrete pores in deep excavation areas.
- Appropriate storage and handling of fuel, chemical and hazardous materials.
- Emergency response to accidental spillages.

- All sewer connections will be made with the approval of Irish Water and the local authority and check prior to commissioning. Mitigation measures will be put in place to ensure that any leakage from the foul sewer will be isolated.
- All pollution control measures will be in compliance with the IE license issued by the EPA.
- Continuing monitoring and maintenance measures will be put in place to protect groundwater quality during the operation of the proposal.
- Measures to eradicate and control the spread of non-invasive species include the eradication of existing Japanese Knotweed infestation on site and the on-going monitoring for any non-native invasive species during construction and operation phases of the proposed development.
- A series of mitigation measures will be put in place to control dust emissions during the construction phase and these include the cleaning of hard surface roads during the construction period. Measures will be put in place to manage fugitive dust.
- All vehicles will restrict to appropriate speed limits will be enclosed or covered when delivering materials with dust potential, and wheelwash facilities will be put in place.
- Material handling systems and stock piling of materials will be designed to minimise exposure to wind and dust propagation.
- All the above procedures will be strictly monitored and assessed.

10.9.12. Subject to the implementation of these measures, it can be reasonably concluded that there is little potential for significant impacts on the qualifying interests on the Rye Water Valley/Carton SAC. If the Board accept that with the implementation of the above mitigation measures there is little potential for impact on the Rye Water Valley/Carton SAC it follows that the potential for pollution downstream at Dublin Bay would also be negligible as the Rye River provides the only pathway/conduit for potential impacts on the aquatic and marine environment associated with Dublin Bay downstream.

10.9.13. With regard to in combination effects there is potential for other pollution sources within the Rye Water catchment, the River Liffey catchment and other catchments

that also drain into Dublin Bay to cumulatively affect water quality. However, as the NIS indicates there are specific policies in the Kildare County Development Plan and the Leixlip Local Area Plan which seek to protect, manage and enhance the county's surface water and groundwater resource and it would be a requirement that any projects in the wider area that have the potential to adversely affect water quality would be required to adhere to the policies set out in the Plan to ensure that appropriate protective environmental measures are put in place to protect the receiving environment. It is noted that lands immediately surrounding the Intel campus particularly to the west and north generally consist of agricultural lands and the main lands associated with historic houses.

- 10.9.14. The only significant project identified that could have potential cumulative effects on the SAC is the construction of the 220kv GIS substation to the immediate north. At the time of lodging the current application details of this proposal have not been fully formulated and for this reason it was difficult to ascertain and evaluate the potential impact from in-combination effects. The applicant however, did through the additional information submission, attempt to evaluate potential in-combination of both developments on the SAC in question, based on the information available to the applicant at the time.
- 10.9.15. The NIS submitted with the adjacent application but Eirgrid for the substation and underground cables (ref 304872) includes a details cumulative impact assessment with future developments in the area and past projects at the Intel facility (see section 3.4.3 and Appendix B of NIS). The NIS concludes with the incorporation of appropriate mitigation measures, it is not anticipated that Eirgrid development will have any adverse impacts on the integrity of the qualifying interests or the conservation objectives associated with the Rye Water Valley/Carton SAC. It is reasonable to conclude therefore that no-combination effects will arise.
- 10.9.16. In terms of potential indirect effects, the only significant indirect effect which could occur may arise from an accidental pollution event during the construction or operation of the facility which has the potential to affect water quality downstream and in particular result in a reduction of water quality in Dublin Bay. Any reduction in water quality could adversely affect aquatic species which form part of the qualifying interests associated with the Bay or could in turn potentially impact on feeding habitats associated with the SPAs within the Bay. I have argued above that with

appropriate mitigation measures there is no potential for the Rye River to act as a pathway or conduct for transporting pollution downstream and therefore indirect effects are highly unlikely to occur.

10.9.17. The third-party appellant argues that applicant, in the development of the Intel site to date has infringed upon and damaged the SAC in the vicinity of Sandfords Bridge on Kellystown Lane. The applicant totally refutes this allegation. The boundary of the SAC in the vicinity of Sandfords Bridge includes a band of riparian woodlands extending to a depth of approximately 35m on the southern side of the Rye River bank. Having inspected the site and its surrounding I could see no evidence of any such damage. I refer the Board to photo no.27 attached. It depicts the area of woodland along Kellystown Lane in the vicinity of Sandfords Bridge on the Intel side of the road. There appears to be no damage to the SAC as a result of works undertaken in this area.

#### 10.10. **Conclusions in relation to Appropriate Assessment**

I have read the submitted Natura Impact Statement together with all the other environmental reports submitted with the planning application including the EIAR. I have also read the NIS submitted with the application submitted by Eirgrid on adjacent lands for the GIS substation (304872) I have also carried out an independent appropriate assessment on the basis of the information provided with the application and appeal including the Natura Impact Statement and, in light of the assessment carried out above, I consider it reasonable to conclude on the basis of the information on file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment that the proposed development individually or in combination with others plans or projects would not adversely affect the integrity of European Site No. 001398 or any other European site, in view of the site's conservation objectives.

### 11.0 **Environmental Impact Assessment**

#### 11.1. **Introduction**

11.1.1. The application was accompanied by Environmental Impact Assessment Report. Section 2.2 of the EIAR specifically screens the project for the purposes of EIA. It notes that the proposed development (which is for the purposes of manufacture of

integrated circuits and circuit boards) does not fall within any of the classes of development specified under Part 10 of the Planning and Development Regulations 2001 (as amended). It was nevertheless assessed under the provisions of Schedule 7 (criteria for determining whether a development would or would not be likely to have significant effects on the environment). Having regard to

- the characteristics of the proposed development,
- the location of the proposed development, and
- the characteristics of the potential impacts,

it was considered that, having regard to the nature and scale of the proposal, it should be subject to EIA. The application was received by the Board on 13th, June 2019 and therefore, having regard to the provisions of Circular Letter PL1/2017, the subject application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. It also falls within the scope of the European Union (Planning and Development) Environmental Impact Assessment Regulations 2018 (S.I. No. 296 of 2018) as the application was lodged subsequent to these Regulations coming into effect on the 1<sup>st</sup> September, 2018.

11.1.2. This section of the report evaluates the information in the EIAR and carries out an independent and objective environmental impact assessment of the proposed project. I have examined the information submitted by the applicant, including the submitted EIAR as well as the various other documentation and the written submissions made to the Board which are contained on file.

11.1.3. A single EIAR has been prepared in respect of the proposed development. I am satisfied that the environmental impacts of the proposed expansion of the Intel facility are addressed and assessed under each of the environmental factors required under the Directive as amended. A number of environmental issues relevant to this EIA have already been addressed in my planning assessment of the report and in the appropriate assessment section of my report. This section of my report should therefore, where appropriate be read in conjunction with other relevant parts of the planning assessment and appropriate assessment.



11.1.4. The impact of the proposed development is addressed under all relevant headings with respect to the environmental factors listed in Article 3(1) of the 2014 EIA Directive.

## **11.2. Details of the Competencies and Expertise of the Contributors to the EIAR**

11.2.1. The EIAR is being prepared on behalf of the developer by a multi-disciplinary team of competent and technical experts in accordance with the requirements of Article 5(3) of the amending Directive. The competencies of the experts are set out in Section 1.3 of the EIAR entitled "Study Team". I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality and this is reflected in the information contained in the EIAR.

## **11.3. Details of Public Consultation undertaken as part of the EIAR**

11.3.1. Details of the consultation entered into by the applicant as part of the prepared of the project is set out in Section 2.3.2 of the EIAR. Further details of the scoping and consultation process is included in Appendix 2.1.

## **11.4. Considerations of Alternatives**

11.4.1. The EIAR in Chapter 3 set out various alternatives that were considered as part of the evaluation of the project prior to deciding the preferred option. This alternatives are summaries and evaluated below:

- Alternative locations. Intel conducted a site search based on the precautionary principle to see if a better site existed in the region or the country. Such a site needed to be strategic in industrial terms with adequate size similar to the existing Intel site and with opportunities for large scale electricity supply and water supply capacity. The search yielded some potential sites, but none satisfied the project in terms of accessibility, infrastructure availability, environmental robustness or population catchment.

11.4.2. Consideration was also given to alternative sites on the Leixlip campus. It is noted that the main part of the campus site is approximately 2 kilometres long and 700 metres wide. It is noted that there two significant sites available on the campus one of the east side adjacent to Louisa Bridge and the other on the west side adjacent to the permitted manufacturing activity. The opportunities and constraints associated

with both sites were compared. The west side was considered to be the best option having regard to:

- Residential impacts, visual impacts.
- Seveso impact.
- Constructability.
- Traffic.
- Scheduling of works.

11.4.3. The EIAR then considered alternative layouts on the west side of the site. The preferred layout follows the existing campus pattern of support and administration facilities to the south, manufacturing in the centre and services to the north. This supports manufacturing efficiencies and productivity and makes the best use of existing buildings available.

11.4.4. In terms of alternative processes, it is stated that Intel's manufacturing is a unique and highly sophisticated series of process which makes no provision for any deviation in the manufacturing model. Thus, it is not reasonable or relevant to examine alternative manufacturing processes.

11.4.5. Finally, the EIAR considered alternative colours for the proposed buildings on site. The colours examined were dark brown, metallic silver/grey or battleship grey. It was concluded that the continuation of the use of dark brown colours results in the least visual dominance and is deemed to be most appropriate from a visual perspective.

## 11.5. Environmental Factors

11.5.1. The sections below address each of the environmental factors, the headings used in the EIAR are as follows:

- Population and Human Health
- Biodiversity
- Land, Soils, Geology and Hydrogeology
- Water and Hydrology
- Air Quality and Climate

- Noise and Vibration
- Landscape Visual Impact
- Material Assets
- Traffic and Transportation
- Waste Management
- Cultural Architectural Heritage
- Archaeology
- Interactions and Cumulative Effects
- Reasoned Conclusions of Significant Effects

#### 11.5.2. ***Population and Human Health***

Chapter 5 of the EIAR identifies, describes and assesses the potential impact of the proposal on population and human health. Details of population change, labour force participation and housing demand for the hinterland of Intel are all set out in the EIAR and these are compared with changes in the State, GDA region and Meath, Wicklow and Kildare. The proposal under consideration will create a demand for new employees which will in turn give rise for additional housing. The workforce is likely to be drawn from the immediate hinterland and wider geographical area. The creation of new employment opportunities is in accordance with the strategic land use planning policies for the area which identified Leixlip as a large growth town and a regional driver of economic activity. It is anticipated that this application will provide employment during the operational phase for an additional 800 personnel and this is in addition to the predicted employment generated from the previously permitted development (An Bord Pleanála PL09.248582). A significant proportion of this employment will be third level graduates. The impact on housing demand arising from the proposed development is likely to be dispersed over a wide area including County Kildare and the adjacent counties. On this basis it is not considered that the proposal will create any adverse housing impacts in the Leixlip area. In terms of construction cost the total facility for the new works is estimated to be approximately €4 billion.

In terms of the potential impact on human health, it is stated that the potential for effects on human health are dealt with under more specific topics such as air, water, noise and waste. Due to the location of the well screened nature of the site it is not anticipated that there will be any significant impacts on tourism, heritage, amenity or recreation as a result of the proposal.

No specific mitigation measures are required to ameliorate the impacts on human beings as the impacts are deemed to be largely positive. The residual impacts are described as having a positive long-term impact on the immediate hinterlands of Intel and the secondary hinterlands of County Kildare and the GDA region to a continued expanded employment and associated economic and social benefits.

I have considered the written submission made in relation to the proposed development and I am satisfied that the potential impacts on population and human health will generally be positive and there will be no appreciable adverse impact in terms of tourism, amenity or heritage. Some temporary adverse effects in terms of annoyance, nuisance and disruption may arise during the construction phase however these will be temporary in nature and will not give rise to long term adverse impacts.

### 11.5.3. **Biodiversity**

Chapter 6 of the EIAR and Appendix 6.1 deal with biodiversity issues. The terms of the overall assessment, the biodiversity chapter of the EIAR should be read in conjunction with the AA Screening Report, the Habitat Management Plan and the NIS submitted with the application.

The chapter sets out details of the methodology which included a desk study and field surveys. Surveys were carried out in relation to fauna surveys, badger and otter surveys, bat surveys, bird surveys, common lizard surveys and mollusc surveys. The limitations associated with the surveys are set out in the document. The EIAR sets out the detailed measures proposed to protect surface water and groundwater quality during construction and operation phases. Measures to eradicate and control the spread of non-native invasive species and minimising dust emissions and air pollution during the construction and operation phases are also set out. Details of the flora and fauna species as well as the habitats within the site are set out in detail. The various habitats are indicated in Figures 6.6 and 6.7 of the EIAR.

In terms of fauna, four bat species were recorded within the study area (leisler, common pipistrelle, soprano pipistrelle and daubenton's bat). Evidence of otter activity have been recorded along the Rye Water in recent years but there are no otter holts within the proposed development boundary. Evidence of badger activity was also recorded along the Rye Water Valley. Irish Stoat and Red Deer were also recorded within the study area. The bird species recorded during the breeding bird surveys are listed in Table 6.2 of the EIAR(39 species were recorded). No birds on the amber or red lists that are of conservation concern for the wintering populations have been recorded within the proposed development site over the course of the biodiversity surveys.

In terms of fish, the Rye Water River is one of the most important salmon spawning tributaries in the Liffey Catchment downstream of the Leixlip Dam. In terms of fisheries value, the Rye Water is assessed as being of county importance principally due to its importance for Atlantic Salmon spawning. The local common frog population is assessed as being of local importance. No common lizards were recorded during the course of the biodiversity surveys. Neither the narrow mouthed whorl snail nor the Desmoulin's whorl snail were present within the proposed development boundary. Both species have been recorded at Louisa Bridge to the east of the proposed development boundary. A summary of the biodiversity evaluation of the study area is set out on Table 6.3 of the EIAR.

In terms of direct and indirect impacts the following potential impacts have been identified:

- Habitat loss and fragmentation.
- Accidental pollution events during construction and operation which could affect either surface water or groundwater.
- Habitat degradation due to introducing spreading non-native invasive species.
- Habitat degradation as a result of air quality impacts during operation.
- Habitat degradation from dust generated during construction.
- Disturbance during construction due to noise, and lighting and disturbance during operation due to lighting.

The EIAR acknowledges that the proposed development will result in a loss of habitat area but none of the habitats directly affected by the proposed development are considered to be any greater than local biodiversity importance. An accidental pollution event during either construction or operation is considered to be unlikely having regard to the environmental protection controls that will be incorporated into the design and any such impact is deemed to be temporary in nature.

In terms of groundwater, the EIAR that the hydrogeological zone of influence does not extend beyond the proposed development boundary and therefore does not offer any great risks to surrounding groundwater dependent terrestrial habitats as a result of dewatering.

In terms of fauna the proposed development will not directly or indirectly affect any known bat roosts. It is acknowledged however that the proposed development will result in the loss of bat foraging habitat during the construction and has the potential to disturb or displace bats from commuting routes as a result of increased light levels during construction and operation. The risk of tree felling works destroying roost sites and the potential for light spill to displace bats from the Rye Water corridor could have long term effects on local bat population resulting in a significant negative effect locally.

There are no otter holts within or in the vicinity of the proposed development boundary. Therefore, the proposal will not result in the loss of any breeding or resting places and construction works will not disturb any such sites. It is acknowledged however that an accidental pollution event affecting surface water quality during the construction or operation has the potential to impact on the otter population.

Construction will result in the permanent loss of foraging habitat for badger groups within the study area. However, it is anticipated that the affected badger groups would be expected to adapt to the changed landscape and the impact therefore can be considered temporary. Badger displacement could also result from disturbance from construction works and to a lesser extent operation works.

In terms of breeding birds, given the majority of the proposed development is to be accommodated on built ground or disturbed ground, the impact of vegetation removal of breeding birds will be limited to those areas of woodland scrub,

hedgerows and tree lines which will be removed. However, this is not likely to result in long term effects on local breeding bird populations.

Impacts on fish, common frogs or mollusc are not likely to occur unless an accidental pollution event occurs during construction or operation.

Section 6.5 of the EIAR sets out the various mitigation measures for both the construction and operational phases and these measures relate to the protection of bats during vegetation clearance and construction measures to protect breeding birds during construction. A Habitat Management Plan is also proposed for the operational phase. I would further refer the Board to the NIS which incorporates a host of mitigation measures to prevent accidental spillages and air pollution. These measures are also outlined in relevant chapters in the EIAR.

Section 6.6 relates to cumulative impacts in terms of biodiversity. Considering the predicted impacts associated with the proposed development and the mitigation measures proposed to protect local biodiversity, together with the protective policies and objectives contained in the land use plan relating to lands surrounding the site, Significant cumulative negative effects on biodiversity are not predicted.

Furthermore, with the implementation of various mitigation measures proposed in the EIAR and the NIS, the predicted residual effects are not considered significant.

There are very few concerns expressed in the grounds of appeal with regard to the impact of the proposal on biodiversity generally. Any concerns raised by the third-party appellant relating to the biodiversity relate to the potential impact of the proposal on the adjoining Rye Water/Carlton SAC. I have argued above in the appropriate assessment section of my report that any potential adverse impacts on the SAC can be appropriately addressed and managed through mitigation measures. Having regard to the information contained in the biodiversity chapter I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of biodiversity in the long term. I am therefore satisfied that there will be no residual impact on biodiversity during either the construction or operational phase of the development if the mitigation measures set out in the EIAR, NIS and other documentation submitted with the application (including the Outline Construction Environmental Management Plan) are implemented.

#### 11.5.4. **Land, Soils, Geology and Hydrogeology**

Details of the guidelines which have been consulted and the methodology undertaken in preparing the chapter are set out in 7.2 of the EIA. The EIA notes that rock excavation will take place for approximately five to eight months with multiple excavation crews and equipment in use allowing for a conservative 20% over dig. It is estimated that 647,000 of bedrock will be excavated and crushed on site and made available for reuse where suitable. The site is underlain by lower carboniferous limestones. There are no geological faults indicated on the GIS bedrock geology maps beneath the proposed development. The area is dominated by low permeability limestone and shales. The upper risings of the site comprise on the whole of manmade ground between 0 and 2.8 metres thick across the footprint of the proposed buildings. Below the manmade ground the subsoil comprises generally of sandy gravel, clay or sand clay. The site is underlain by a locally important bedrock aquifer. In terms of groundwater no significant groundwater strikes were recorded within the superficial deposits of any of the boreholes located within the footprint of the proposed development. Slow water seepage in the overburden was recorded in some of the central boreholes where the main FAB buildings are to be located. The aquifer vulnerability beneath the proposed extension is classed as high. The groundwater body status which underlines the Intel site is recorded as good and not at risk. The EIAR goes on to describe the main water environment receptors in the area and these are identified as the Rye River, groundwater and the Royal Canal.

The predicted impacts include dewatering of the excavation site during the construction phase only. As there is no fracturing of bedrock in the area the impact from dewatering is expected to be very localised. Removal of soils and bedrock at the site will be required during the construction of the manufacturing building area. No significant removal of soil is required for the tank farm area located to the east of the site. The overall excavation timescale is estimated to be 12 to 18 months.

Accidental spills and leaks are identified as a potential impact. However, mitigation measures will be put in place to address any such potential adverse impact. In terms of the impact assessment both for the construction and operational phases, it is considered that the temporary dewatering will only have a localised impact and therefore will not impact on the Rye River SAC. The Louisa springs which are located c.1.2 kilometres from the proposed excavation, and as such, are located a



sufficient distance away to ensure that no adverse impact occurs on the springs due to dewatering. The Royal Canal is located upgradient of the site in terms of groundwater flow and therefore the proposed works will have no impact on the Royal Canal. There will be no change in the groundwater body status as a result of the development.

Section 7.6 of the EIAR sets out mitigation measures for the construction phase and these include groundwater monitoring and discharging of dewatering into a recharge area to the north of the site. Mitigation measures to prevent accidental spillage and leaks also set out. Section 7.6.2 of the EIAR provide some details of the construction management plan to be put in place which deals with surface water run-off, fuel and chemical handling and soil removal and compaction.

During the operation phase, measures will be put in place in relation to fuel and chemical handling and surface water and groundwater monitoring. The anticipated residual impacts from both the construction and operational phase on land, soils, geology and hydrogeology are assessed as being imperceptible.

I note that issues concerning land, soil and hydrogeology did not form central concerns in the grounds of appeal or the written submissions made in respect of the application. I am however satisfied that the impacts on land, soil, hydrogeology and geology have been identified and assessed. I am further satisfied that any potential impacts can be avoided, managed and/or mitigated by measures set out in the EIAR and with additional mitigation measures incorporated into suitable conditions should the Board deem it appropriate to planning permission for the development. I am therefore satisfied that the proposed development will not have any unacceptable direct, indirect or cumulative impact in terms of land, soils, geology and hydrogeology.

#### **11.5.5. *Water and Hydrology***

Chapter 8 of the EIAR deals with water and hydrology.

The EIAR identifies the key activities which have the potential to impact on the hydrological environment during the construction phase are as follows:

- Excavation resulting from the mobilisation of sediments in run-off due to exposed soil, rock and earth movement.
- Expansion of existing surface water and wastewater infrastructure on site.
- Construction activities which will necessitate the storage of cement, concrete and other materials including fuels with consequential potentials for accidental releases of contaminated substances including hydrocarbons.

The key activities which will have the potential to impact on the hydrological environment during the operation phase are as:

- Chemical storage and localised accidental discharge of such chemicals.
- The overall increase in hardstanding areas and associated increased run-off with these areas.
- Wastewater flow which will increase up to 50,000 cubic metres per day. The EIAR states that Irish Water as a statutory authority has agreed that they will provide adequate and appropriate treatment for this discharge.
- Water supply demand will increase to 55,000 cubic metres per day. Irish Water as a statutory authority has agreed that this supply is available.

In terms of water supply the Intel site is located within the network of the Greater Dublin Water Supply which is supplied from raw water sources at Leixlip, Roundwood, Ballyboden and Ballymore Eustace. The infrastructure to provide water supply is already in place and Intel is currently permitted to avail of the required demand from Irish Water. Each FAB manufacturing building has a designated acid waste neutralisation (AWN) plant which discharges to an effluent balancing tank before being discharged into the public sewer. All this activity is carried out in accordance with the IED licence. The existing water usage is approximately 37,000 cubic metres per day.

Two types of surface water collection systems are operating at Intel and will continue to operate for the proposed development. A storm water system takes surface water from areas of the plant where chemicals are not stored, and these are discharged to the Rye River via a retention pond. The second system is a contained surface water system which serves areas where chemicals are used and are stored. The contained system allows surface water to be rerouted to either dedicated underground tanks in

the service yard or into the acid waste neutralisation plant in each of the FAB manufacturing units. Contaminated waters are incorporated into a closed system preventing them from reaching the underground or surface water bodies in the vicinity of the site.

The EIAR goes on to detail the water quality status of the various water bodies in the vicinity of the site making reference to the Surface Water Regulations 2009 (S.I. 272 of 2009) and the EPA Biological Quality Ratings (Q values).

In terms of predicted direct and indirect impacts arising from the proposal, no predicted adverse impacts on wastewater during the construction phase are anticipated having regard to the relatively small quantity of sewage to be generated from construction activities. During the operational phase the additional facility will increase the additional wastewater loads generated. However, Irish Water as the statutory authority, have confirmed that they have the available capacity within the wastewater treatment structure to cater for such an increase. The predicted impact during the operational phase is therefore considered to be imperceptible in the long term.

Similarly, with water supply the impact during the construction phase resulting from increased water demand is considered to be short term and imperceptible. During the operation phase Irish Water has again confirmed that it has the capacity to cater for the demand of 55,000 cubic metres per day as the watermains infrastructure is already in place to service the site.

The mitigation measures proposed in relation to water and hydrology make reference to the design of the development which includes inbuilt control measures to protect water quality and manage surface water discharge and storm water run-off during both the construction and operational phases. As such there is no predicted impact to receiving waters in relation to the construction and operational phase.

Section 8.5 of the EIAR sets out a suite of mitigation measures for wastewater and surface water during the construction and operational phase. With the incorporation of the mitigation measures set out in the EIAR the impact during both construction and operational phases is deemed to be imperceptible.

#### **11.5.6. *Air Quality and Climate***

Chapter 9 of the EIAR together with Appendix 9.1 and 9.2 relate to air quality and climate issues. The EIAR sets out details of the modelling methodology and also the ambient air quality standard as they relate to Ireland (S.I. 180 of 2011). Details of baseline monitoring which have been carried out on site in relation to particulates, fluorides, ammonia, VOCs and traffic emissions are detailed in various tables in the EIAR.

In terms of predicted impact, it is stated that the greatest potential impact on air quality arising from the construction phase is from fugitive dust emissions. It is anticipated however that most dust generation will be kept within the confines of the site.

During the operational phase it is stated that the details of the license emissions for each individual emission point will be determined in conjunction with the EPA during the IED application process.

Emissions will also occur with the combustion of fossil fuels in the medium pressure hot water boilers. Natural gas is the primary type of fuel used. Details of the anticipated HF and total fluorides emissions are also assessed. Abatement equipment will be incorporated in the form of wet acid gas scrubbers. The predicted fluoride concentrations on foot of air dispersal modelling all indicate that the maximum concentrations at any predicted location beyond the boundary of the site are below maximum standards. Modelling was also carried out for total acids, volatile organic compounds, ammonia, nitrogen dioxide and particulate matter. All are predicted to be below the limits set out in the legislation.

Section 9.6 sets out a series of mitigation measures aimed to ameliorate any potential negative impacts on the air environment. The mitigation measures during the construction phase mainly revolve around limiting fugitive dust emissions. During the operational phase scrubbing systems will be used to remove fluorides, acids and ammonia within the emission stacks. VOC abatement will also be incorporated using latest technology including thermal oxidation.

In terms of climate the major greenhouse gas emissions from the proposal, all impacts are associated with the combustion of fossil fuels in the hot water boiler and the RCTOs. Natural gas is the primary type of fossil fuel used for the boilers and the only fuel used in the RCTOs. The EIAR note that natural gas is the lowest

greenhouse emission of any fossil fuel. Intel is the holder of a greenhouse gas permit from the Irish EPA. Currently, Intel has an allocation to omit approximately 25,000 tonnes of CO<sub>2</sub> per annum. The additional emissions associated with the revised and extended manufacturing facility will be subject to the EU Emissions Trading Scheme and will be decided upon as part of an updated greenhouse gas permit. In addition, Intel has pursued energy conservation over many years and these energy conservation projects are detailed in the Annual Environmental Report submitted to the EPA on an annual basis. The use of perfluorinated carbon compounds is essential for the manufacture of high performance semi-conductor products. These compounds tend to have relatively high global warming potentials. While the compounds have no local environmental impact, they do contribute to climate change.

In terms of residual impacts, no residual impacts in terms of air quality are anticipated. Residual impacts associated with climate include on-going releases of emissions with global warming potential in common with all domestic, commercial and industrial combustion sources in Ireland. These will be minimised on site wherever practical using measures described in the EIAR.

I have considered the third-party appeal made in relation to air quality in the context of the contents of the EIAR. Having regard to the evaluation undertaken in the report including the air dispersal modelling exercises undertaken, I am satisfied that the impacts in terms of increased levels of air pollution would be negligible. Furthermore, any anticipated impacts can be avoided, managed and mitigated by measures that form part of the proposed scheme. I am therefore satisfied that the proposed development would not have an unacceptable direct or indirect impact in terms of air quality and that significant cumulative impacts from other plans and projects in the area are unlikely to arise.

#### **11.5.7. Noise and Vibration**

Chapter 10 of the EIAR specifically relates to noise and vibration assessment. The activities that could give rise to potential noise are described in the EIAR. Details of the noise and vibration controls which are built into the design of the equipment carrying out the construction activity are also set out. The various noise generated during the construction and operational phase associated with the overall facility

relate to process machinery, mechanical services plant, boilers, air compressors, cooling towers, exhaust stacks and pumps etc. Other potential noise sources include traffic movements. In terms of construction noise criteria, reference is made in the EIAR to the Guidelines for the Treatment of Noise and Vibration in National Road schemes published by TII. Details of these noise limits are set out in Table 10.3 of the report. Operational noise criteria are also set out.

The baseline environment is established at nine noise locations in and around the boundary of the facility. The noise monitoring results at each of the locations were generally less than 55 dB(A). Any recordings above 55 dB(A) were attributed to passing traffic and the operation of agricultural machinery (e.g. see noise location MN04). The baseline survey concludes that specific noise emissions from the Intel site are currently within the daytime, evening and night-time limit values laid out in the IED License at all locations.

In terms of prediction impact, the EIAR firstly assesses the potential impact from construction noise. It is acknowledged that the construction phase will give rise to increases in noise and vibration. Typical noise levels associated with construction plant items are set out. The predicted levels of noise arising from construction at the seven nearest noise sensitive receptors are indicated in Table 10.23. The noise levels range from 50 dB(A)  $L_{Aeq}$  to 65 dB(A)  $L_{Aeq}$  all of which are within the relevant criteria set out in the TII Guidance of 70 dB(A)  $L_{Aeq}$ .

In terms of construction traffic, it is estimated that construction traffic associated with the project along the main road will contribute an additional 4.2 dB(A) through traffic noise generation.

In terms of vibration the EIAR estimates that relatively low vibration levels are expected from the rock breakers within site and vibration levels at the nearest buildings are not expected to pose any significance in terms of cosmetic or structural damage.

In terms of operational noise, the noise modelling undertaken indicates that the predicted plant noise emissions are within daytime, evening and night-time limit values at all locations. The magnitude of impact is described from negligible to moderate. No significant sources of vibration are associated with the operational phase of the development.

In terms of mitigation, built-in mitigation measures are included in the design of the project for both the construction and operational phase. The residual impacts are described during the construction phase as being negative, moderate to significant short term whereas the effects of noise from the operational phase are estimated to be moderate in the case of the building services plant and not significant in relation to traffic and car parking.

I am satisfied having regard to the evaluation undertaken in relation to noise and vibration including the noise modelling exercises undertaken that the impacts in relation to noise and vibration have been appropriately identified, described and predicted. It is acknowledged that particularly during the construction phase, noise impacts may be significant. However, the effects will be short term and temporary in nature. The noise impacts during the operational phase will be moderate and will remain within acceptable limits. Any noise limits in relation to the operational phase will be a matter for the EPA in setting the conditions and limits associated with the IED License.

#### **11.5.8. *Landscape Visual Impact***

Chapter 11 of the EIAR assesses and evaluates the landscape and visual impact arising from the proposed development. The EIAR identifies sensitive locations in the vicinity which could be adversely affected by the proposed development. Reference is specifically made to a number of historic demesnes and amenity areas in the wider vicinity. The EIAR identifies the site as being located in the northern lowlands, a Class 1 Landscape Character Area in the Development Plan and an arwa which is characterised as being of low sensitivity. The site also forms part of the Rye River Corridor and the Royal Canal Corridor.

A series of photomontages are attached in order to assist in assessing the visual impact arising from the proposed structures. The EIAR concludes that the project will not be visible from the most important heritage structures in the vicinity. Furthermore, the project will not significantly alter or affect views from most amenity areas in the vicinity.

It is acknowledged however there will be effects in terms of views at Sandfords Bridge (the bridge to the north-west of the site traversing the River Rye). It is not anticipated that the proposed development will have any significant impacts on residential areas and dwellinghouses with the exception of one house which is located in close proximity to Sandsford Bridge. The visual impacts from the road network in the vicinity will not be significantly altered. No significant visual impact will arise in terms of long-distance views from Ravensdale House to the north or Carton House to the north-west. There will be no significant visual impact on views from the Obelisk, Prospect Tower or Wonderful Barn all located in the wider vicinity of the subject site.

I have considered the issues raised in the grounds of appeal specifically in relation to landscape and visual impacts. The mitigation measures to be included to reduce the potential visual impact including the following:

- The location of taller structures on the lower portion of the zoned land.
- The retention of mature perimeter planting.
- The adoption of the same colour scheme in the in the external fabric of the buildings which have been used to date.
- Avoiding articulation of upper surfaces in order to reduce visual interest.
- The provision of replacement perimeter berms and provision of replacement and additional perimeter planting.

Some cumulative impacts could arise from the provision of the proposed GIS substation to the north the site. This enclosed structure will rise to a height of 17 metres and will have an associated antenna mast of 36 meters. However, it will be landscaped and the visual impact arising from both developments will be acceptable. I have considered the concerns raised in the grounds of appeal in relation to landscape and visual impacts. I am satisfied some visual impacts will occur particularly from vantage points to the immediate north-west of the subject site. However, the impact will be mitigated to some extent by measures which form part of the proposed scheme. Visual impacts in the wider area will not be significant. I am therefore satisfied that the proposed development would not have any unacceptable direct visual impacts.



### 11.5.9. **Material Assets**

Chapter 12 of the EIAR deals specifically with the potential environmental impact which could arise from the development on material assets.

In terms of energy uses, it is stated that future electricity usage on site will increase when the proposed projects become operational. Eirgrid confirm that there is adequate transmission and distribution facilities to sustain a secure and reliable source of power to the Intel manufacturing facility. However, in order to maintain and augment supply to the site and the wider region, additional provision will be necessary and this will entail using a new 220 kV line and a new substation. (See application ABP304862). The application also includes the provision of standby generators for use in the event of any disruption to electricity supply.

Gas required for the facility will be provided from the existing gas main. Gas Networks Ireland have confirmed that there is sufficient capacity in the network to meet the requirements of the proposed development. Gas Networks Ireland will provide a new connection to the site from the existing supply line.

In terms of water supply, water supply will be provided via the existing watermain connection serving the Intel campus. Currently water demand is estimated at 37,000m<sup>3</sup>/d. With the proposed development this will increase to a maximum water demand of 55,000m<sup>3</sup>/d and Irish Water have confirmed that this is within the capacity of the watermain infrastructure already in place to serve the site.

In terms of wastewater disposal, the current EPA License allows for an hourly discharge rate of 1,150 m<sup>3</sup> into the municipal wastewater treatment infrastructure. Irish Water can accept up to 35,000 m<sup>3</sup>/d within the existing infrastructure network. A separate project is ongoing by Irish Water to install an additional pump which will increase the capacity for processing effluent to 50,000 m<sup>3</sup>/d. Irish Water have confirmed that they have the available capacity within the wastewater infrastructure to cater for this increase in demand.

The EIAR acknowledges that the proposed development will have interactions and cumulative effects on material assets with other permitted and proposed developments in the general area. These include housing developments to the south-east of the site, the temporary realignment of the R148, the wastewater pipeline project by Irish Water and a gas pipeline relocation by Eriva. Reference is

made to the provision of the 220 kV transmission line and new substation is also noted in the EIAR.

No significant adverse effects are predicted or can be reasonably foreseen from the proposed development in terms of interactions or cumulative effects. For this reason, no mitigation measures are proposed.

Based on the information contained in the EIAR I am satisfied that there is sufficient infrastructure available to cater for the proposed expansion and therefore no significant adverse impacts are predicted in terms of material assets. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on material assets.

#### **11.5.10. *Traffic and Transportation***

Chapter 13 of the EIAR relates to traffic and transportation. The report sets out details of the existing road infrastructure serving and surrounding the site. Access to the campus is provided off the R148 which is linked via the R449 with Junction 6 of the M4 Motorway approximately 1 kilometre south of the site. There are currently three entrances along the 148 serving the site. The entrance on the western end of the campus is not used. Details of the mobility management plan and transport strategy relating to the proposed expansion is set out in the EIAR.

In terms of predicted impacts during the construction phase, construction vehicles associated with the project are expected to contribute additional traffic volumes of between 3% (in the case of the M4 Motorway) to up to 29% in the case of the R449 linking the R148 with the M4 Interchange. Additional traffic flows on the R148 range between 15% and 34%. The section of the R148 to the west of the R449 roundabout is predicted to experience the highest projected increase in traffic flows and this is associated with the new multi-level car park which is currently under construction under an extant permission on the western side of the campus. It is expected that this level of traffic increase will have a moderate temporary impact on traffic conditions on the local road network particularly the R148 and the R449. No significant impact is anticipated on the M4 Motorway.

The traffic modelling undertaken and detailed in the accompanying traffic and transportation assessment report indicates that all junctions in the vicinity of the proposed development have sufficient capacity to accommodate the projected

increase in traffic during the construction phase of the proposed development. It is acknowledged that the M4 Interchange however requires upgrading to include traffic signals to ensure that all approach arms operate within capacity during the peak construction period.

During the operational phase the projected increase in traffic along the R148 and R449 would range between 10% and 30% with the greatest increase in traffic flows along the R449. As in the case of the construction phase, the projected increase in traffic on the M4 Motorway is modest at 3%.

In terms of network performance, it is anticipated based on the modelling undertaken, that in the opening year (2024) all junctions in the vicinity of the proposed development are predicted to have sufficient capacity to accommodate the projected increase in traffic flows. By 2039 a number of junctions along the R148 are expected to at or above capacity. However, the EIA makes reference to a number of long-term transport infrastructure projects which are in the pipeline and will increase the capacity of the wider transport networks in the area. The EIAR sets out mitigation and monitoring measures which would be put in place during the construction and operational phase.

The residual impacts are described as resulting in a moderate increase in traffic associated with the increase in employment linked to the new manufacturing facility. The moderate increase in traffic is expected to have a slight negative impact on the operational performance on the road network immediately adjoining the site but will have a negligible impact on traffic levels on the M4 Motorway.

I have had particular regard to the issues raised in the grounds of appeal in relation to traffic and transportation and I am satisfied that the baseline conditions have been identified and described in the EIAR and the likely significant impacts have been assessed both during the operation and construction phase. I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of traffic and transportation and that the existing and proposed improvements to the road network can adequately cater for the projected increase in traffic in the short to medium term. The applicant has incorporated mitigation measures to minimise the impact of the development in relation to roads and traffic and the environmental impact resulting from the development is deemed to be acceptable.

### 11.5.11. **Waste Management**

Chapter 14 of the EIAR relates to waste management. The report notes that Intel's waste programme is operated in accordance with the Intel Site and Global Environmental Health and Safety Policy and in accordance with the EPA Licensing and Irish Legislation. Intel's waste policy seeks to reduce, reuse, recycle and identify appropriate safer material substitutes as part of its waste management strategy.

Details of the estimated waste types produced during the construction phase are set out in Table 14.1. These wastes comprise of mixed C&D waste, timber waste, plasterboard, metals, concrete and other waste amounting to approximately 1,200 tonnes of waste to be disposed of. It is also estimated that approximately 647,000 cubic metres of bedrock will be excavated and maybe crushed on site if required to be made available for reuse where suitable. Approximately 236,000 tonnes of man-made ground and subsoils will also be excavated. Any suitable material will be reused onsite for infilling. Approximately 2,900 tonnes of waste generated during the construction phase will be reused/recovered.

During the operational phase the estimated annual quantity of waste materials to be generated at the new facility is estimated to be c.4,500 tonnes of non-hazardous waste (including packages, general waste, organic waste, metals, wood, bulky waste, WEEE and glass). Likewise, approximately 4,500 tonnes of hazardous waste including chemicals, solvents, oils, contaminated packaging, batteries and contaminated solids will be produced on site. Non-hazardous waste generated will be stored and segregated in waste containers at designated waste stations throughout the facility and managed in accordance with Intel's existing procedures.

Hazardous waste materials will be assigned to specific waste containers and taken to dedicated hazardous waste management area for collection and removal off-site by an appointed hazardous waste contractor. Details of the environmental controls in place for the operational phase for both hazardous and non-hazardous waste is set out in the EIAR.

In terms of predicted impacts, it is noted that during the construction phase there will be a significant quantity of excavated soil and rock material to be removed from the site which will be made available for beneficial reuse where required or disposed of in a suitably licensed facility as required. During the operational phase the continued

use of approved and permitted licensed waste hauliers and facilities will ensure that waste removed from the facility will be managed appropriately and will avoid adverse environmental impacts or pollution. In terms of mitigation measures reference is made to the construction and demolition waste management plan contained in Appendix 14.1 of the EIAR. The residual impacts arising from the waste management strategy will be the same as the current protocols operated on site.

No major concerns were raised in the grounds of appeal in relation to waste or waste management. Notwithstanding this I am satisfied that any adverse impacts in relation to waste identified during the construction phase and the operational phase can be avoided, managed and mitigated against by way of a waste management strategy. I am therefore satisfied that the proposed development will not have any unacceptable direct, indirect or cumulative impact in terms of waste.

#### **11.5.12. Cultural and Architectural Heritage**

Chapter 15 of the EIAR assesses the potential adverse environmental impact on cultural and architectural heritage. The historical background of the receiving environment is set out in the EIAR. Details of the protected structures in the area are also described. Details of other structures of heritage interest include structures in the vicinity included on the National Inventory of Architectural Heritage are also detailed. In terms of predicted impacts, no direct impacts to protected structures or other structures of architectural heritage would arise from the proposed development. While it is noted that Nelson's Cottage, Blakestown House and Sandford Bridge are all located immediately adjacent to the application site there will be no works within the site. The EIAR argues that there will be indirect impacts on the settings of these structures. However, these structures are not protected nor included in the National Inventory of Architectural Heritage.

#### **11.5.13. Archaeology**

Chapter 16 of the EIAR assesses the potential impact of the proposed development on the archaeology of the area. Details of the record of protected monuments within 1 kilometre of the boundary of the site are set out. The closest site is a habitation site (KD11-055) which is located near the entrance of the site at the R148/R449 Roundabout. Other sites within the kilometre radius include Holywell, a sanding

stone, a burial ground, a ringfort and a fluacht fia. Details of these monuments are indicated on Figure 16.4 of the EIAR.

In terms of predicted impacts, the potential for direct effects are negligible as the construction phase of the development will consist large of groundworks on previously developed land. However, direct impacts to archaeology could potentially arise as a result of machine excavation where potential subsurface features are present. No recorded archaeological monuments are located within the proposed development site. In terms of indirect effects impacts on settings on sites may arise where development is located immediately adjacent to a recorded monument. However, the monuments surrounding the Intel lands are largely subsurface having been excavated during various development schemes. In this regard it is not anticipated that any visual impact on the setting of the archaeological monuments would occur. In terms of cumulative/secondary effects reference is made to the decommissioning of a gas line within the development. The portion of the new gas line within the development will involve new ground disturbance. However, the Code of Practice for dealing with archaeological issues that arise during pipeline construction will be followed.

In terms of mitigation measures archaeological monitoring of excavation works will be carried out by the developer under license. The report concludes that once these mitigation measures are implemented the residual impact will be imperceptible.

#### **11.5.14. *Interactions and Cumulative Effects***

The final chapter of the EIAR sets out details of interactions and cumulative effects and identifies the following potential for interactions. In terms of strong interactions - population, human health and noise and vibration are identified as being strong.

In terms of soils, geology and hydrogeology strong interactions are identified in relation to water and hydrology during both the construction and operational phases.

Some interaction will occur between population and human health and noise and vibration during the operational phase and landscaping and visual during the operational phase. Some interaction will also occur between population and human health with traffic and transportation during both the construction and operational phase.

Some interaction will also take place between biodiversity, soils, geology and hydrogeology during the construction and operational phase and water and hydrology during the construction and operational phase.

Water and hydrology will also have some interaction with material assets during the construction and operational phase.

Air quality and climate will have some interaction with traffic and transport during the construction and operational phase.

Noise and vibration will have some interaction with traffic and transportation during both the construction and operational phase.

Cumulative effects have been addressed in each of the chapters referred to above where relevant and significant.

I note that the EIAR did not specifically include a chapter on risk of major accidents and disasters are required under the new provision of the EIA Regulations. However, the Board will note that this issue was dealt with in a separate document submitted with the original application in a document entitled "*COMAH Land Use Planning Assessment of Revised Design of Proposed Extension to Previously Permitted Manufacture of Building and Intel Ireland Limited.*" The contents of this document have been referred to in my report above and has been assessed for the purposes of EIAR in relation to the overall application.

#### **11.6. Reasoned Conclusions of Significant Effects**

Having regard to the examination of all the environmental information contained in the EIAR together with the supplementary information submitted in the various reports attached to the original planning application including COMAH Report and the reports prepared by Kildare County Council, prescribed bodies and third-party appellants and observers, it is considered that the main significant effects of the proposed development on the environment are 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 scheme. The positive benefits of the scheme 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.

I am satisfied that the information provided with the application including the EIAR is robust and sufficient to allow the Board to reach a reasoned conclusion on significant effects of the project on the environment taking into account current knowledge and methods of assessment. Overall therefore I am satisfied that the information contained in the EIAR complies with the provisions of Article 3, 5 and Annex IV of the EU Directive 2014/52/EU.

## **12.0 Conclusions and Recommendation**

Arising from my assessment above, I consider the decision of Kildare County Council should be upheld in this instance and I recommend that planning permission be granted for the proposed development based on the reasons and considerations set out below.

## **13.0 Decision**

Grant planning permission for the proposed development in accordance with the reasons and considerations set out below.

## 14.0 Reasons and Considerations

Having regard to:

- (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,

it is considered that, subject to compliance with the conditions set out below, the proposed development:

- would comprise 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.

## 15.0 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 4<sup>th</sup> 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.

In particular 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.

2. 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.

3. 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.

4. 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 traffic safety.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11.
  - (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.

12. The applicant or developer shall enter into water and wastewater connection agreements with Irish Water prior to the commencement of development.

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

13. 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.

14. 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.

15. 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 operation.
- 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.

16. 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.

17. The developer shall pay to the planning authority a financial contribution of €9,723,000,177 (nine million seven hundred and twenty-three thousand one hundred and seventy-seven euro) 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. The application of any indexation required by this condition 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.

**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.

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Paul Caprani,  
Senior Planning Inspector.

October 8th, 2019.