



An
Bord
Pleanála

Inspector's Report ABP304862-19

Development

220 kV Gas Insulated Switchgear Substation, 2 no. 220 kV underground circuits forming a loop-in/loop-out to the existing Maynooth-Woodland 220 kV Overhead Line and 6 no. 220 kV underground circuits and associated low voltage and communication underground cabling connecting with electricity transformers within Intel Ireland Ltd and associated works.

Location

Townlands of Bogganstown, County Meath and Ravensdale, Kellystown and Blakestown (North Salt By), Leixlip, County Kildare.

Planning Authority

Meath County Council and Kildare County Council.

Planning Authority Reg. Ref.

N/A.

Applicant

EirGrid.

Type of Application

Application under S.182A of the Planning and Development Act 2000.

Planning Authority Decision

N/A.

Observers

- (i) Kildare County Council.
- (ii) Meath County Council.
- (iii) Inland Fisheries Ireland.
- (iv) David Watchman.
- (v) Thomas Reid.
- (vi) County Kildare Chamber.

Date of Site Inspection

20th September, 2019.

Inspector

Paul Caprani.

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1.0 Introduction

Permission is sought from An Bord Pleanála under the provisions of Section 182A of the Planning and Development Act 2000 for a new 220 kV Gas Insulated Switchgear Substation at Kellystown, County Kildare. This substation is to link, via two underground cables, into the existing Maynooth – Woodland 220 kV Overhead Line located approximately 2 km north of the proposed substation. The proposed substation is to link via underground connections with electricity transformers within the existing Intel facility at Leixlip, County Kildare. The application has been made directly to An Bord Pleanála by EirGrid. A total of six submissions have been received in respect of the application both in support of the application and some objecting to the application. According to the documentation on file, the proposed connection between the existing overhead 200 kV line and the proposed new substation is primarily to serve the expansion of the adjoining Intel facility (see Appeal Ref. 304762). An Environmental Report and Natura Impact Statement was submitted with the application. No oral hearing was held in respect of the application. Two pre-application consultations took place with An Bord Pleanála prior to the lodgement of the application. A separate file is attached providing details of these meetings (ABP303412-19).

2.0 Site Location and Description

- 2.1. The proposed development is located to the north of the Intel manufacturing facility c.2.5 kilometres west of Leixlip and 17.5 kilometres west of Dublin City Centre. The proposed 220 kV GIS substation would be located entirely within a greenfield site covering an area of approximately 0.58 hectares to the north-west of the manufacturing buildings at Intel in the townland of Kellystown. The site primarily comprises of planted woodland (mainly semi-mature woodland) interspersed with some shrubland. A playing pitch is located on the western side of the site and this facility appears to be under the ownership of Intel. The Rye Water River, a designated Natura 2000 site, runs through the application site. The substation is situated to the north of the river, underground cables are to be placed beneath the

river channel (using horizontal directional drilling) to link up with the electricity transformers on the Intel site.

- 2.2. In terms of surrounding settlement, the overall area is characterised by largescale one-off houses located along, but mainly setback, from the L1015 (Confey Road) which runs along the northern boundary of the site from the proposed substation. Surrounding areas are characterised by agricultural lands comprising of a mixture of tillage, livestock grazing and stud farms.
- 2.3. The maps submitted, including the site location map, indicates that there is a dwellinghouse located on the site of the proposed substation. However, it was apparent from my site inspection that this house has in fact been removed and there are no structures on the site of the proposed GIS substation building.
- 2.4. The accompanying application for the expansion of the Intel facility (Reg. Ref. 304672) indicates that lands and dwellings to the east of the current application fronting onto the Confey Road are under the ownership of Intel Ltd. According to the Environmental Report submitted with the application, the nearest occupied residential dwellings, not under the ownership of the applicant or Intel, are located approximately 95 metres to the south-east and 140 metres to the south-west of the compound fencing associated with the substation.
- 2.5. Carton Demesne townland is located c.300 metres to the north-west of the site. The protected structures within the demesne are located approximately 3 kilometres to the north-west.
- 2.6. Two underground cables will run northwards from the proposed substation. These cables will traverse beneath the Confey Road and continue northwards through agricultural lands some of which are associated with Ravensdale House and protected structure located approximately 1 kilometre north-west of the subject site. The lines continue north traversing the Meath/Kildare border and traversing the townland of Knockcudder before terminating in the townland of Bogganstown where they will connect with the existing 220 kV overhead powerline between Maynooth and Woodlands. This existing overhead powerline runs in an east/west direction approximately 2 kilometres due north of the proposed 220 kV substation. The underground connections are located entirely within agricultural fields which accommodate a mixture of tillage and pastoral farming.

3.0 Proposed Development

3.1. Planning permission is sought for the following:

- A 220 kV Gas Insulated Switchgear (GIS) substation primarily contained within a building with a gross floor area of 2,462 square metres rising to a height of approximately 17 metres. Ancillary development within the substation compound will include:
 - A lattice steel communication tower approximately 35 metres in height.
 - Six lightning rods c.3 metres in height located on the parapet of the GIS building.
 - A distribution system operator (DSO) compound approximately 25 square metres in size.
 - Interface kiosks.
 - An access road c.35 metres in length and 5 metres in width together with a new entrance which will run northwards from the compound to the L1015 Confey Road.
 - The substation compound will be bounded by a palisade fence 2.6 metres in height and bounded within a property fence 1.4 metres in height.
- It is also proposed to install 2 no. 220 kV underground cable circuits running northwards and connecting to the Maynooth to Woodland 220 kV overhead powerline in the townland of Bogganstown, County Meath. Each cable trench will be approximately 3 metres in width and will be placed c.9 metres apart. Each underground cable circuit is approximately 2.3 kilometres in length. The UGC circuits will cross beneath the L1015 Confey road to connect to the 220 kV GIS substation. The cable will also include the provision of eight underground joint bays and the upgrading or extension of existing access tracks in the townlands of Bogganstown, County Meath and Ravensdale, County Kildare to provide for vehicular access.
- It is also proposed to construct two-line cable interfaced masts approximately 26.5 metres in height which will provide the points of transition from the

existing overhead line to the proposed underground cable. This will facilitate the proposed removal of a section of overhead line in Bogganstown approximately 130 metres in length. The proposal will also involve the construction of approximately 55 meters of overhead lines.

- The proposal will also involve the refurbishment of an existing overhead line (angle tower AM37) which will comprise of the recapping of sheer blocks and other maintenance works.
- The proposal will also involve the installation of 7 bores and associated cable trenches and ancillary equipment connecting the proposed 220 kV GIS substation to demand customer transformers at Intel Ireland. These bores and associate trenches are approximately 400 metres in length and will be bored under the Rye Water Valley/Carton Special Area of Conservation and will facilitate the installation of up to six 220 kV circuits and associated low voltage and communication cabling.
- Other works include the provision of temporary construction compounds along the underground cable alignments and the construction of the new interface masts in Bogganstown.

4.0 Planning Application Submission

4.1. Submission of Application

4.1.1. The application under the provisions of Section 182A of the Planning and Development Act 2000 was submitted on behalf of EirGrid on 8th July, 2019. It comprises of the following:

- A covering letter from Matt McDonald (Project Managers) which sets out the statutory obligations of EirGrid as an independent transmissions system operator and notes that the proposed development is predicated primarily on the need to augment the electricity supply network to the Intel facility to the south. It is stated that the existing 110 kV would not meet the requirements of the Intel facility without breaching the transmission system security and planning standards. Therefore, as part of EirGrid's connection offer the connection method was identified as a new connection to the existing

Maynooth – Woodland 220 kV overhead line. It is also stated that the proposed development is entirely in accordance with, and supports key strategic policies and objectives set out in national, regional and local development plans. It is also stated that the proposed development has had considerable regard to cumulative and in combination impacts arising primarily from the permitted development at the Intel facility as per planning Ref. 19/91. It is stated that the current application constitutes Step 5 of a 6 Step approach employed by EirGrid when developing and implementing any identified transmission network capital project.

- The report also indicates that as part of the public consultation process, engagement with directly affected landowners, residents and other landowners in the immediate vicinity as well as the general public was undertaken.
- The overall conclusion set out in the Environmental Report and the Natura Impact Statement accompanying this application is that, subject to the implementation of appropriate mitigation measures, no likely significant impact on the receiving natural, built or human environment either in itself or in combination with other plans and projects are likely.
- Also attached are two letters of consent from the ESB and Intel Ireland Limited.
- The application was also accompanied by a fee of €100,000.
- A completed planning application form.
- Details of the statutory notices published and erected on site.
- Two separate volumes were also submitted. Volume 1 contains planning application documentation including:
 - Details of the cover letter (referred to above).
 - Details of the planning application form.
 - Details of letters of consent, newspaper notices, site notices, consultation records.

- Details of the Board's direction under ABP303412 which concluded that the proposed development would constitute strategic infrastructure within the meaning of the Act.
- Details of the prescribed bodies notified, and the records of the pre-application consultations are also contained in Volume 1 of the planning documentation.
- Three reports were also included in Volume 1 of the documentation submitted. They include:
 - Environmental Report which provides an overview of the project and a scoping consideration undertaken for the Environmental Report as well as details of the structure of the Environmental Report.
- The Environmental Report goes on to set out an environmental evaluation of the proposed development under the following chapter headings.
 - Chapter 2 – Planning and Policy Context.
 - Chapter 3 – The Consideration of Alternatives.
 - Chapter 4 – A Description of the Proposed Project.
 - Chapter 5 – Consultation and Engagement.
 - Chapter 6 – Population and Human Health.
 - Chapter 7 – Biodiversity.
 - Chapter 8 – Landscape and Visual.
 - Chapter 9 – Archaeology, Architectural and Cultural Heritage.
 - Chapter 10 – Water including Flood Risk.
 - Chapter 11 – Land, Soils and Geology.
 - Chapter 12 – Noise and Vibration.
 - Chapter 13 – Material Assets and Traffic.
 - Chapter 14 – Air Quality and Climate.
 - Chapter 15 – Cumulative Effects and Interactions of the Foregoing.

- A number of appendices are also attached to this report.
- 4.1.2. Also contained in Volume 1 of the documentation is a screening for appropriate assessment and NIS report. The Rye Water Valley/Carlton SAC (Site Code: 001398) is identified as the only Natura 2000 site which could be potentially adversely affected by the proposed development. The evaluation carried out as part of the NIS concludes that the mitigation measures detailed in Section 3.6 of the Report will ensure that no adverse affects on the integrity of the SAC in question in light of the site's conservation objectives and status will ensue. Based on the assessment of the proposed development alone, and in combination with other plans and projects together with the implementation of the mitigation measures, it is concluded that no adverse impacts on the site's integrity will arise in view of these conservation objectives.
- 4.1.3. Finally, Volume 1 contains details of an Outline Construction and Environmental Management Plan.
- 4.1.4. Volume 2 contains details of planning drawings submitted with the application. These include drawings relating to:
- The overall project layout.
 - The 220 kV GIS substation.
 - The connection of the underground cables to the Maynooth/Woodland 220 kV overhead line.
 - The cable route from the 220 kV substation southwards to the electricity transformers within the Intel facility.

5.0 Planning History

- 5.1. There appears to be no planning history associated with the subject site.
- 5.2. Section 2.4 of the Environmental Report sets out details of all planning applications within 500 metres of the application site boundary between May 2014 and May 2019. Applications which were somewhat relevant to the current proposal before the Board include:

- Reg. Ref. 16/848 (Kildare County Council) where planning permission was granted on 18th April, 2017 for a solar PV panel farm within a site area of 16.91 hectares in the townland of Confey.
- Under PL09.241071 An Bord Pleanála upheld the decision of Kildare County Council and granted planning permission to Intel Ireland Limited for new buildings and ancillary works including an extension to the integrated campus. Planning permission was granted on 17th January, 2013.
- Under PL09.248582 An Bord Pleanála upheld the decision of Kildare County Council and granted planning permission for a revised design and configuration of a previously permitted manufacturing building over four levels including support areas, roof mounted stacks and equipment up to 24 metres above parapet level granted previously under PL09.241071.

5.3. The Board will also note that there is a current application before it under ABP304672 which seeks to extend and revise the configuration of the previously permitted manufacturing facility to include reconfigured and extended support buildings, water tanks and yards to provide for additional manufacturing capacity over and above that granted under PL09.248582.

6.0 Third Party Observations

6.1. Observation from Kildare County Council

6.1.1. The observation sets out a summary of the proposed development and then references the local planning policy context as it relates to the development. It notes that it is the policy of the Council to support the development of identified strategic growth centres including Leixlip as focal points for regional critical massing and employment growth and to encourage and facilitate new employment opportunities within economic clusters as set out in the Kildare County Development Plan 2017-2023. It is further noted that Policy EO4 seeks to develop North Kildare as a digital economy hub and leadership “hotspot”. Policies TN1 to TN14 in the Plan relate to electricity supply and infrastructure which recognise the development of secure and reliable electricity transmission infrastructure as a key factor for supporting economic development. The submission notes that the Plan also includes policies and

objectives in relation to the protection of Natura 2000 sites and natural heritage areas as well as the need to protect of scenic landscapes and protected structures.

- 6.1.2. The Leixlip Local Area Plan notes that the lands located to the south of the Confey Road are zoned as 'Agriculture' and 'Industry'. Utility structures are up for consideration on lands zoned for Agriculture. Lands located to the north of the Confey Road are outside the Leixlip Local Area Plan boundary and are not governed by any specific zoning objective.
- 6.1.3. Reference is made to the concurrent application to Clare County Council under Reg. Ref. 19/91 (An Bord Pleanála Ref. 304672-19). It is noted that there is an overlap in the Red Line boundary between the SID application and the planning application in question.
- 6.1.4. Having reviewed the application documents it is acknowledged that the applicant has considered both overground and underground cabling options in addition to open and closed substation layouts. The applicant in the opinion of Kildare County Council has selected the route and design option with the least visual impact on the landscape. It is noted that the planning application has been accompanied by a Natura Impact Statement and an Environment Report.
- 6.1.5. As it is proposed to drill beneath the River Rye SAC and given one of the qualifying interest of the SAC is its petrifying springs it is recommended that An Bord Pleanála conduct a hydrogeological assessment of the proposed development as part of its appropriate assessment.
- 6.1.6. The proposed substation will not be visible from Sandford Bridge which is a protected view in the Kildare County Council 2017-2023. The proposed 17-metre-high substation building will have a significant visual impact locally from the Confey Road. The colour and finish of external materials will be critical in mitigating visual impact locally and should be determined following a detailed visual impact particularly in the context of Policy TN8 of the County Development Plan.
- 6.1.7. The proposed 36 metre high telecommunications structure will have a visual impact on the landscape and it is suggested by An Bord Pleanála should be satisfied that there is a justified need for a structure at this location.
- 6.1.8. The 'Specimen Tree' located within the curtilage of Ravensdale House Demesne which is a protected structure will not be impacted on by the proposed development

and tree protection measures will be implemented to ensure this, this is considered satisfactory.

- 6.1.9. It is noted that a tree survey does not appear to have been submitted with the application. It is noted that all mature trees to be felled will be replaced with semi-mature planting on a like for like basis. It is the policy of the Council to ensure that five semi-mature trees shall be replanted for every mature tree felled.
- 6.1.10. Although part of the immature oak woodland will be removed to facilitate the construction of the substation, a section of existing woodland will be retained to the north of the substation to screen it from the Confey Road. Additional screen planting to the east of the substation would be beneficial.
- 6.1.11. Finally, it is suggested that a noise report during the operational phase should be required.
- 6.1.12. In conclusion it is stated that should An Bord Pleanála grant planning permission for the proposed development, a total of 8 conditions including a development contribution condition should be attached.
- 6.1.13. Also attached are internal reports prepared by various internal departments Kildare Co Council. A report from the Roads Department stated that there is no objection to the proposed development. Further reports are attached from the Municipal District Office, the Environmental Health Officer and a report from the Planning Section, each of which offer no objection subject to standard conditions.

6.2. Observation from Meath County Council

- 6.2.1. This report also sets out details of the proposed development and states that the works within the administrative boundary of Kildare County Council are not being specifically assessed within the report. It notes that the Meath element of the scheme will primarily involve the erection of two additional steel lattice structures adjacent to the existing 220 kV line between Woodland and Maynooth.
- 6.2.2. It notes that no recent planning history relating to the application sites within the administrative boundary of Meath are apparent. Details of applications for small domestic-type extensions in the vicinity are set out in the report. It is noted that the subject lands are currently in agricultural use (livestock grazing and arable farming) and comprise of a series of large irregular shaped open fields. There are a number

of dwellings in the wider vicinity. There are no protected structures or recorded sites or monuments within the application site boundary. The nearest residential property is located approximately 550 metres to the north-west of the proposed link up with the existing overhead power line. It is noted that a watercourse (Hamwood Stream) which provides a hydrological link to the River Rye is located to the east of the works to be undertaken.

6.2.3. Section 4 of the report contains a planning policy review which sets out details of relevant national and regional policy. Reference is made to:

- The National Planning Framework.
- The National Development Plan.
- Government White Paper on Transition to a Low Carbon Energy Future.
- The Action Plan for Jobs 2018.
- Ireland's Grid Development Strategy.
- The National Spatial and Economic Strategy for the Eastern and Midlands Region 2018.

6.2.4. The report goes on to set out detailed local planning policy making references to the various core strategy principles contained in the Meath County Development Plan 2013-2019. Reference is also made to the various relevant policies contained in the Council's Economic Development Strategy, the Energy Communications Strategy and Policies in relation to Cultural, Natural Assets, Natural Heritage, Landscape and Views and Prospects.

6.2.5. Reference is also made to the Meath Landscape Character Assessment contained in Appendix 7 of the Plan. It notes that the application site is located within Landscape Character 11 (south-east lowlands). The landscape character assessment states that the south-east lowlands are a landscape of very high value and moderate sensitivity. The area is considered to be of regional landscape importance. It notes that the area has the medium potential to accommodate overhead cables, substations and telecommunications masts due to the enclosed nature of the drumlin landscape which offers good opportunities to screen such development or reduce its prominence. The area also has medium potential capacity to accommodate underground services as this area is not as archaeological rich as other areas

although the loss of landscape features such as hedgerows would need to be restored to reduce negative impacts. The report goes on to outline Meath County Council's economic strategy. The application was referred internally to the Environment Section, the Environment (Flooding) Section, the Transportation Section, the Conservation Officer, the Heritage Officer and the Water Services Department. The views and contents of these various internal reports are referred to in the assessment at Section 6 of Meath County Council's report.

- 6.2.6. It notes that the proposal complies with local planning policy in terms of energy and communications. The proposal seeks the upgrading of the electricity power supply to serve existing and future development at the Intel facility and this is supported by national, regional and local planning policy.
- 6.2.7. In terms of environmental impact assessment, it is noted that the proposal is not one specifically listed in Schedule 5 and as such, a mandatory EIAR is not required. With regard to the necessity to submit a subthreshold EIAR, it is stated that there is no threshold relating to the laying of underground electricity cabling or the erection of electricity line support structures. There is no possibility that the project will constitute a subthreshold development for the purposes of EIAR. The report goes on to set out details of the alternatives that were considered by the applicant in relation to the proposed development. Details of the potential impact of the proposed development on population and human health and biodiversity are also set out in the report. Reference is made to Meath County Council's Heritage Officer report which suggests that a number of mitigation measures be included in the case where planning permission is granted. The report goes on to assess the proposed development in the context of appropriate assessment. Again, reference is made to Meath County Council's Heritage Officer's report which concludes based on the construction methodology mitigation measures and controls to be incorporated at both construction and operational phase, that there will be no significant effects (direct or indirect) on the qualifying interests of any Natura 2000 sites in the vicinity.
- 6.2.8. In terms of landscape and visual impacts, it notes that a landscape and visual impact assessment of the proposed development has been carried out in accordance with best practice. It notes that locations adjacent to the proposed interface mast will experience the greatest visual impact due to the 26.5 metre height of the interface masts. It is noted that the lattice support structures will not be visible from any

designated protected views in the Meath County Development Plan. A report from the architectural conservation officer of Meath County Council states that there is no objection to the proposed two new interface masts as there are currently similar masts present at these locations.

- 6.2.9. In terms of archaeology, architectural and cultural heritage, the Planning Authority are satisfied that due to the absence of archaeological features as indicated within the field and desktop studies, and with the inclusion of an appropriate archaeological condition, this will ensure that the architectural integrity of the area is protected. There are no protected structures within a kilometre distance of the construction corridor.
- 6.2.10. With regard to water and flood risk, the Water Services Department of Meath County Council are generally satisfied with the proposal and have no objections to it subject to appropriate conditions. No adverse impacts are anticipated in relation to lands, soils and geology and Meath County Council are satisfied that with appropriate monitoring of noise and vibration particularly during the construction phase, that noise levels emanating from the development will accord with best practice standards. In terms of roads and traffic, the residual impacts from the construction phase will generate negative temporary impact on the road network although this will be somewhat mitigated with the implementation of a preliminary construction management plan. The residual impacts during the operational phase is deemed to be negligible. No predicted impacts are anticipated to arise in terms of air pollution.
- 6.2.11. It is noted that an internal report from the Environment Section of Meath County Council stated that there is no objection to the proposed development subject to a number of conditions.
- 6.2.12. In conclusion, Meath County Council are satisfied that the development proposals within the administrative area of Meath accords with national, regional and local planning policy particularly in terms of promoting the generation of electricity from renewable sources and that the proposal will not give rise to any adverse visual impacts, environmental impacts and roads or traffic impacts. The proposed development will support the existing Intel facility where many residents of Meath are employed. It is on this basis that Meath County Council states that, if the Board

intends to look positively on the application before it, a total of 14 conditions should be attached to any grant of planning permission.

6.3. Observation from Inland Fisheries Ireland

- 6.3.1. This observation notes that the development is located within the catchment of the Rye Water River. This river is exceptional amongst most urban rivers in the area in supporting Atlantic Salmon and Sea Trout as well as Brown Trout. The catchment lies within the Liffey catchment a nationally important salmonid river. Inland Fisheries Ireland recommend that all works be completed in line with a Construction Environmental Management Plan which ensures good construction practices throughout the construction period and incorporates mitigation measures to deal with potential adverse impacts. Any channel/riparian areas that are impacted through the implementation of the scheme must be fully reinstated. Any removal/disposal of excavated material must be considered and planned such that the risk of pollution from these activities are minimised. Any dewatering of groundwater during construction must be treated by infiltration over land or to an attenuation area before being discharged off site. An agreed method statement for the planned tunnelling under the Rye Water must be agreed with Inland Fisheries Ireland prior to the commencement of any works.
- 6.3.2. Finally, it is stated that discharges from site works must be in compliance with the Surface Water Regulation and Groundwater Regulations (S.I. No. 272 of 2009 and S.I. No. 9 of 2010 respectively).

6.4. Observation from County Kildare Chamber

- 6.4.1. This observation states that County Kildare Chamber is the largest business organisation in Kildare with over 400 companies who in turn employ 37,000 people in the County. The Chamber fully support the EirGrid application to increase electricity supply to the Intel facility. This proposed infrastructural enhancement will facilitate continued and welcome employment and economic development opportunities at the Intel facility. Intel Ireland has invested €15 billion in turning a 360 acre former stud farm into one of the most technologically advanced manufacturing locations in Europe. This is the largest private investment ever made in the history of the Irish State. Intel Ireland contributes €921 million each year to the Irish economy and supports over 7,500 full-time equivalent jobs in the economy which are in addition to

the 4,900 people working for the company. This grid connection for Intel is crucial for the continued success of the business.

6.5. Observation from Thomas Reid

- 6.5.1. Thomas Reid is the occupant of Hedsor House approximately 500 metres to the west of the Intel facility. This observation objects to the application. The observation questioned who authorised this development as a 'Capital Project' 1029. Furthermore, it is questioned who made the decision that the same project be classed as Strategic Infrastructure Development. It is stated that EU Directives and specifically the Habitats Directive and the Seveso Directive, override the current application before the Board. It is suggested that the environmental assessments have been 'rigged' and 'massaged' in the application. It is stated that the proposal is international fraud on a European site. EirGrid acknowledge in its NIS that it intends to carry out development within a European site and that they plan to build an eyesore in the form of a substation in a highly sensitive area.
- 6.5.2. It also suggests that previous planning applications (Reg. Ref. 16/1229) are illegal. It is suggested that the current application on the application to Kildare County Council under 19/91 for an extension to the Intel facility constitutes project splitting.
- 6.5.3. It is suggested that there has been no release of documents under Reg. Ref. 16/1229 notwithstanding the fact that the objector asked for a release of all documents.
- 6.5.4. It is argued that the high-profile Habitats and Seveso Directives override the Kildare County Development Plan and the Leixlip Local Area Plan together with National and Regional Plans and Guidelines. For the above reasons it is argued that An Bord Pleanála should refuse the planning application on environmental justice grounds and in order to uphold EU Directives.

6.6. Observation from Mr. David Watchman

- 6.6.1. This observation was submitted on behalf of the observer by Declan Brassil, Planning Consultant. It is stated that the observer does not object to and has no issue with the on-going and planned expansion of the Intel campus. The appellant's lands comprise of Ravensdale Demesne which is located between the Rye Water Valley and the existing Maynooth/Woodland 220 kV overhead powerline. Both Ravensdale House and associated Gate House are included in the Record of

Protected Structures in the Kildare County Development Plan. The proposed underground cable traverses Ravensdale House while the proposed substation which is very substantial scale and includes a telecommunications tower of 35 metres are located opposite the Demesne Gate into Ravensdale House. It is argued that the proposed development will significantly detract from the demesne landscape which defines the curtilage of Ravensdale House and will seriously injure the amenities of the surrounding rural area. The proposed development also results in an unacceptable and disproportionate impact on the future development potential of the observer's property due to the sterilisation of significant areas of the landholding.

- 6.6.2. The unacceptable impacts are compounded by the failure to demonstrate any meaningful consideration of alternatives. No sound environmental rationale is provided to support the preferred route identified.
- 6.6.3. It is argued that there are significant and material procedural deficiencies in the application documentation and the application should have been accompanied by an EIAR.
- 6.6.4. Reference is made to various policies contained in the Kildare County Development Plan which seeks to ensure that the developments of the nature proposed are adequately and critically assessed in context of landscape, nature conservation, archaeology, residential and visual amenity. Reference is made to numerous policy statements contained in the Kildare Plan that highlight the importance of taking these considerations into account when dealing with developments such as that currently under consideration. Reference is made to numerous policies in the same plan which seeks to conserve and protect buildings and structures of historic integrity.
- 6.6.5. It is considered that the proposed development will result in unacceptable impacts on the character of the Demesne with the potential loss of historic features and the insensitive siting of the GIS substation. While it is acknowledged that the proposed development does not impact directly on Ravensdale House, it does impact on the structure's historic curtilage.
- 6.6.6. The proposed GIS substation and associated infrastructure would be a prominent feature at the entrance to Ravensdale House and will result in a visually obtrusive industrial form immediately adjacent to the entrance. The proposed substation

building will have a significant and profound visual impact when viewed from the entrance to the protected structure.

- 6.6.7. It is also argued that the proposal will impact on the future development potential of the lands in question. The extent of the underground cable within the landholding is approximately 1.2 kilometres. The width of the construction zone for the underground cabling varies from 40 to 50 metres. It is noted that a new track measuring 5 metres in width will be retained along the eastern side of Ravensdale Demesne facilitating permanent access to the joint bays which are to be located along the cable alignment. It is noted that the Ministerial Direction in respect of the Leixlip Local Area Plan 2017-2023 required lands to the north of the existing settlement, predominantly focussing on Confey to be zoned for residential development in order to satisfy the sequential approach to land use zoning. The Direction seeks the prioritisation of development sites spatially closer to the town core and closer to public transport services in Leixlip. It is therefore suggested that the routing of the underground cable has a disproportionate and prejudicial impact on our client's landholding.
- 6.6.8. It is noted that significant detail on the consideration of alternatives was submitted as part of the Step 4 Report including Appendix A of the Environmental Report. Despite the lengthy Step 4 Report, it is submitted that the consideration of alternatives does not identify reasonable alternatives which would avoid environmentally sensitive locations.
- 6.6.9. Furthermore, it is argued that the proposed development is not the preferred option as identified in the Step 4 Report submitted with the application. The Step 4 Report does not provide any indication as to the main reasons for selecting the final design option and this approach is inconsistent with the requirements of the EIA Directive 2014 and best practice with regard to consideration of alternatives. It is submitted that the proposed route is materially different from the best performing option as identified in Step 4 and no reasons have been identified in the environmental report as to why the best performing option was not selected for the final design. The favoured route gives rise to significant heritage, biodiversity and development potential impacts.
- 6.6.10. It is also argued that there was a failure to identify reasonable alternatives to the substation location. It is suggested that there is an obvious bias for siting the

substation in close proximity to the source of demand. It is suggested that the construction of a substation will result in the loss of a substantial portion of woodland. It is stated the Bogganstown and Knockcudder were discounted on the basis of technical and economic consideration without any reference to environmental criteria. The Step 4 Report failed to consider any possible siting of the substation on the Intel campus or at any location to the south of the River Rye notwithstanding the very significant landscape, visual and rural amenity impacts arising from the preferred location. Furthermore, no alternative locations were considered to south of the Intel site. It is noted that the area to the south, while constrained, does not include any habitats or architectural heritage feature which are protected under European and National legislation.

6.6.11. The observation also argues that the environmental impact of one of the main alternatives of providing overhead lines was rejected at any early stage, although the reasoning for this was not detailed comprehensively. For the above reasons it is argued that the applicant failed to adequately assess alternatives in any meaningful way.

6.6.12. It is also argued that the applicant failed to adequately screen the development for the purposes of EIA. Reference is made to Schedule 5, Part 2, Paragraph 3(b) of the Planning and Development Regulations, 2001 which includes the following threshold:

“Industrial installations for the carrying of gas, steam and hot water for the potential heat output of 300 megawatts or more or transmission of electrical energy by overhead cables not included in Part 1 of this schedule where the voltage would be 200 kilovolts or more”.

The proposed transmission line is 220 kV and as such, the threshold is relevant if any element of the overhead transmission line constitutes part of the proposed development. The Environmental Report states that the proposed development does not involve the transmission of electrical energy by overhead cables. However, reference is made to the application drawings and the Environmental Report where an overhead transmission line is identified in Drawing No. 1151. The Environmental Report clearly states that the proposed development involves the rerouting of existing conductors from the existing Maynooth/Woodland 220 kV overhead line and

the construction of a new cable interface mast to accommodate 55 metres of diverted 220 kV OHL. It is therefore argued that there is a failure to appropriately and comprehensively screen the full extent of the development for a mandatory EIA against all relevant thresholds. Furthermore, the Environmental Impact Assessment Guidelines 2018 advocate that sub-threshold screening should have regard to “sources – pathways” model and where there is a real likelihood of significant environmental effects, an EIA is required. The proposal is also located in a significantly sensitive area within an SAC and historic demesne.

- 6.6.13. As the Environmental Report and the application drawings clearly identify 55 metres of overhead line is to be constructed, this should have been specifically referred to in the public notice. It is considered that the statutory description of development is incomplete and misleading and that with such an important omission, the statutory notices should be deemed to be deficient and the applicant invalid.
- 6.6.14. There are strong grounds to support the case that the subject application constitutes project splitting for the purposes of avoiding EIA for the proposed EirGrid development. The proposed development must be assessed in relation to its cumulative effect with existing and/or approved developments. Failure to take into account such cumulative effects may mean that such a development escapes the assessment obligation when taken into consideration with other projects that may have significant effects on the environment.
- 6.6.15. It is also noted that Kildare County Council acknowledged the need for an additional provision for a transmission infrastructure in the vicinity of the site. As the transmission infrastructure is an integral element of Intel expansion application, it is submitted that the transmission infrastructure should be included within the application boundary of Reg. Ref. 19/91 and assessed as part of that development. For these reasons it is argued that the application has not been the subject of full EIA and an EIAR has not been prepared.
- 6.6.16. The peer review submitted with the application (entitled Environmental Peer Review Report) Planning Application (Strategic Infrastructure Development) EirGrid Capital Project 1029 on behalf of Declan Brassil and Company) notes that the environmental report submitted with the application does not appear to have due regard to the Annual Environmental Reports associated with Intel Ireland’s Limited Industrial

Emissions License which identify the potential significant negative (cumulative) environmental impact associated with existing operations. For this reason, it is argued that the cumulative /in-combination effects have not been adequately assessed in the documentation submitted.

6.6.17. The peer review report submitted also identified numerous deficiencies in the screening for appropriate assessment and these are summarised below.

- It notes that one of the primary alternatives to horizontal directional drilling beneath the Rye Water is the alternative providing the link via overhead lines. The impacts of this alternative on environment/ecological impacts has not been considered appropriately.
- Furthermore, the cumulative impacts of the proposed development in combination with the existing facility at Collinstown and several current/pending planning permissions have not been comprehensively assessed.
- Both the submitted environmental report and the screening for appropriate assessment and NIS report conclude that there would be no significant negative environmental impacts associated with the proposed development, despite of indications to the contrary contained in the Annual Environmental Reports for the Collinstown Intel facility with regard to cumulative impacts.
- The screening for appropriate assessment and NIS report has failed to follow the direction of An Bord Pleanála as regards providing a comprehensive detailed outline of the boring process including previous examples of the proposed technologies to be used.
- It is also considered that there was insufficient survey for bats. The impact on bats has not been adequately assessed during the construction phase in terms of noise generation.
- The annual environmental reports have noted that the case of the Collinstown (Intel) facility indicates that there is some contamination related to operations at the facility in respect of groundwater. Given that the proposed development is part of the expansion of the existing facility at Collinstown, which is located in an environmentally sensitive location, the cumulative impact arising from

the proposed development on groundwater quality should have been more adequately assessed.

- It is also argued that many of the conclusions contained in the NIS are predicated on the success of mitigation measures. It is stated that there have been incidents where the integrity of structures containing liquids and substances associated with the Intel facility have failed (bundling containment structures, pipelines etc). and the mitigation measures do not take into consideration such potential failures.
- There has been no cumulative life cycle assessment of the environmental impact associated with the proposed development including construction and decommissioning of associated future developments and its potential impact on the environment.
- It is argued that the proposal failed to adequately address issues raised by An Bord Pleanála in the pre-application consultations particularly in relation to:
 - i. The boring process.
 - ii. Previous examples of the proposed technology.
 - iii. Cumulative effects of the development in relation to other applications.
- Reference is made to the ruling of the European Court of Justice (C-127/02) which requires that all aspects of a plan or project which can by themselves or in combination with other plans and projects, affect the site's conservation objectives, that these must be identified in light of best scientific knowledge in the field. It is argued that the proposed appropriate assessment carried out in this instance does not accord with the spirit of this judgement.
- Finally, it is argued that the screening for appropriate assessment and NIS report fails to identify all Natura 2000 sites that could potentially be impacted upon by the wider operation of the Collinstown facility particularly as regards waste products. The final destination and waste treatment associated with the Intel facility has not been considered in the appropriate assessment process. That is to say that the appropriate assessment screening has not identified all Natura 2000 sites potentially impacted upon by the wider operation at the Collinstown Intel facility.

6.7. Applicants Response to the grounds of appeal

- 6.7.1. The response by EirGrid addresses the issues raised in each of the submissions made in respect of the application. These are summarised below.
- 6.7.2. With regard to **Kildare County Council's** submission, it notes that the Council acknowledge the zoning provisions in the LAP and that the provision of a substation on agricultural zoned lands is a use that is 'open for consideration'. EirGrid argue therefore, that the use is acceptable in principle. It is also noted that the Council acknowledge that the applicant has considered alternatives including underground and over ground cabling options. With regard to the communication mast, the Council have requested that the Board carefully consider the justification for such a mast. EirGrid state that the mast is necessary and essential for the appropriate operation of the substation equipment. The Council also acknowledge that trees, including the specimen tree on the Ravensdale Demesne will not be damaged by the proposal and EirGrid welcome this acknowledgement. EirGrid are happy to accept all of the standard conditions suggested by Kildare County Council, with the exception of the noise condition. It is argued that there are no receptors proximate to the proposed GIS building to warrant such a condition.
- 6.7.3. The submission by **Meath County Council** acknowledges that developments of this nature are supported by national regional and local planning policy. EirGrid welcomes this acknowledgement. Meath County Council's Heritage Officer's conclusion, that the proposed development will not result in significant effects on Natura 2000 Sites, is welcomed. The conclusion that the visual impact arising from the proposed development is deemed to be low, is likewise welcomed. It is noted that Meath County Council's Environment Section has no objections to the proposed development. There is no objection by EirGrid to any of the suggested conditions set out in the Council's observation. It is evident that Meath County Council generally supports the development.
- 6.7.4. It is noted that the primary concern of Inland Fisheries Ireland relates to any potential pollution of the Rye Water River. EirGrid supports these concerns and for this reason has set out a detailed CEMP as part of the application. It sets out in Section 4 of the Plan, control measures to be employed to prevent pollution of the Rye Water River.

Mitigation measures to prevent water pollution are also set out on Section 7.1.1 of the ER.

- 6.7.5. EirGrid notes the submission of **County Kildare Chamber** which is very supportive of the proposal.
- 6.7.6. EirGrid do not accept the contention set out in **Mr Thomas Reid's submission** that the proposed development will have a significant adverse impact on an environmentally sensitive area in the vicinity. EirGrid note that the thrust of the objection relates to the Intel facility to the south and not the current application before the Board.
- 6.7.7. With regard to the **observation on behalf of David Watchman**, it is not accepted that an EIAR should have been submitted with the application. It is reiterated that the current application is not specifically required to serve Intel's planned expansion. But is required to ensure an increase power supply to support more general ongoing and future manufacturing activities. The suggestion that 55m of overhead powerlines triggers the need for EIA is without foundation, as the proposed development does not relate to the construction of a new overhead powerline, rather it provides for a modest diversion of an existing overhead line by means of two Line Cable Interface Masts (LCIM's). The proposed LCIMs are not a type of development included in Schedule 5 and as such the issue of sub-threshold development does not arise. This conclusion is also supported by Meath Co Council in its submission, and it is contended that this conclusion was accepted by An Bord Pleanála as part of the pre-application consultations. It is noted that the Board's Inspector's report, on foot of the pre-application consultation, did not specifically request that an EIAR be submitted as part of any application.
- 6.7.8. With regard to the adequacy of the NIS, it is stated that the in-combination effects with the Intel development were fully assessed in appendix B of the NIS. The impact of the proposal on bats were also adequately assessed in the documentation submitted. It should also be noted that bats do not form one of the qualifying interests in the Rye Water /Carton Valley SAC and as such should not be considered within the appropriate assessment. The Board will carry out its own evaluation and will reach precise and definitive findings in relation to the potential impact of the project on the integrity of the European Site concerned.

- 6.7.9. With regard to alternatives, Step 4 (of a 6 Step process involved in developing and submitting the application) specifically relates to alternatives. Alternative technologies, underground verses over ground cables, various routes etc were all considered as part of the proposed design. The proposal was the subject of a multi-criteria evaluation process.
- 6.7.10. The visual impact arising from the proposal was the subjection of rigorous evaluation in Section 8 and Appendix C of the EIAR. It is noted the LCIM's are not visible from Ravensdale House and will read as part of the existing and long-established Overhead Line located in the area. The GIS building does not impinge on any views of the Ravensdale House. It is acknowledged that there will inevitably be a visual impact on receiving environment. However, any such impact needs to be balanced against the strategic need for the development which EirGrid are obliged to provide as the Irish Transmission Operator. Furthermore, the GIS building is located in what EirGrid consider to be 'least visually exposed' area. It is also argued that the encased structure is much more visually preferable than a substantially larger open-air substation.
- 6.7.11. With regard to the impact on the historic demesne of Ravensdale House, it is stated that, other than a temporary period during the construction phase, the proposal will have no impact on the historic setting of Ravensdale House. Neither County Councils have expressed any concerns with regard to the impact on the historic integrity of the historic demesne.
- 6.7.12. With regard to the development potential of the site, EirGrid are somewhat surprised that the observer can express concerns that an underground cable could impact on the historic integrity and setting of Ravensdale House, while simultaneously argue that the same development could impact on the development potential of the same lands. Furthermore, it is noted that the lands in question are currently zoned agriculture in the Leixlip LAP.
- 6.7.13. Finally, the submission addresses the perceived deficiencies with regard to the public notices. EirGrid are satisfied that the public notices adequately describe the nature and extent of the development. It is not a requirement to exhaustively list every element of the proposal in the public notices.

6.7.14. The Board are therefore requested to grant approval for the proposed project and to impose whatever reasonable conditions it considers necessary and appropriate.

7.0 Planning Policy Context

7.1. Section 9.2 of the National Planning Framework relates to resource efficiency and a transition to a low carbon economy. National Strategic Outcome No. 8 in the NPF notes that new energy systems and transmission grids will be necessary for a more distributed, more renewables focussed energy generation system harnessing both the considerable on-shore and off-shore potential from energy sources.

7.2. National Strategic Outcome No. 6 seeks to provide a strong economy supported by enterprise, innovation and skills. This seeks to develop technology initiatives to ensure that we stay at the forefront of technological innovation, market application and commercialisation which can spur next generation technology led in enterprises.

7.3. The Regional Planning Guidelines for the Greater Dublin Area

7.3.1. PIR25 of the Regional Planning Guidelines 3.5.8 of the Development Plan relates to utilities. It notes that the demand for electricity in the GDA region is expected to increase by over 80% by 2025 and will by then constitute 30% of the demand of the island. Improvements are necessary in regional power infrastructure in order to maintain security of supply, attract additional industry and to allow for the connection of renewable energy sources to the grid. It is noted that EirGrid have highlighted the need for the reinforcement of the network to cater for strong growth in Kildare and North Wicklow. PIR25 requires that reinforcements and new infrastructure are put in place by key agencies and their provision is supported in local authority policies, to ensure that energy needs of the future population and economic expansion within the designated growth areas across the GDA can be delivered in a sustainable and timely manner and that capacity is available at local and regional scale to meet future needs.

7.3.2. The regional guidelines also designate Maynooth/Leixlip as a 'Core Economic Area'. Reference is made to the Intel campus at Leixlip, which in addition to manufacturing, the campus includes the Intel Innovation Centre for researching and developing leading edge IT solutions and technology. It is noted that a synergy is already developed between NUI Maynooth and the major employers in the area (Intel and

Hewlett Packard). It notes that the focus of employment cluster activity should be within the hi-tech/biotech sector research and development, ICT and manufacturing all of which should be used to brand a cluster as a centre of excellence in the knowledge-based economy.

7.4. Kildare County Development Plan

7.4.1. Leixlip is designated as a large Growth Town II in the county's Core Strategy to act as an important self-sustaining regional economic driver. It is the policy of the Council to support development of identified strategic growth centres including Leixlip as focal points for regional critical massing and employment growth. There are numerous policies contained in the Plan which seek to encourage and facilitate new employment opportunities within economic clusters and to promote an attract economic activity in appropriate locations throughout the county.

7.4.2. Policy EO4 seeks to continue to develop North Kildare as a digital economy hub and leadership "hot spot" by:

- Building on the existing critical mass in the IT and digital sector and attracting further significant investment to further develop the sector in its maximum potential.
- Developing Collinstown as an employment hub in north-east Kildare ensuring that sufficient lands are zoned for enterprise and employment uses in this Plan and/or the Local Area Plan. Chapter 8 of the Plan relates to Energy and Communications. Section 8.12.2 relates to electricity supply and infrastructure. It notes that the highest voltage lines of the EirGrid transmission service serve Kildare and thus enable the county to have potential to be in a position to meet future electricity demands. However, it should be noted that there may be future requirement to reinforce local network in order to support or optimise Dublin flows. It is recognised that the development of transmission lines for electricity interconnectors will contribute to the on-going development of a single European electricity grid and a single European electricity market in compliance with Directive 2009/72/EC. It is anticipated that the growth in the Greater Dublin Area will give rise to demand for increased energy supply and a pressure to connect the region with other regions via the hinterland area that includes County Kildare. The Council will

support and facilitate the requirements of the major service providers such as Gas Networks Ireland, EirGrid and ESB where it is proposed to enhance or upgrade existing facilities or network or to provide new infrastructure subject to landscape, residential amenity and environmental considerations including where appropriate. environmental assessments in accordance with the EU Directives including EIA, Habitats and Flood Directives.

- 7.4.3. A total of 14 policies are set in the development plan in relation to electricity infrastructure. Policies recognise the development of a secure and reliable electricity transmission infrastructure as a key factor for supporting economic development and supporting sustainably improvements in the network subject to environmental and landscape considerations.
- 7.4.4. Chapter 13 of the Plan relates to natural heritage and green infrastructure. Relevant policies in relation to Natura 2000 sites include NH4 which seek to support the conservation and enhancement of Natura 2000 sites, NH5 which seeks to prevent development that would adversely affect the integrity of any Natura 2000 site and NH6 which seeks to ensure that appropriate assessment is carried out in accordance with the requirements of the Habitats Directive and is carried out in respect of any plan or project not directly connected with or necessary for the management of Natura 2000 sites.

7.5. The Leixlip Local Area Plan 2017-2023

- 7.5.1. The lands in question are governed by the zoning objective I-agriculture and H-industry in the Leixlip Local Area Plan. Utility structures are open for consideration under the agricultural land use zoning objective. Lands to the north of the Confey Road are located beyond the Leixlip Local Area Plan boundary.

7.6. Meath County Council Development Plan

- 7.6.1. In terms of the Core Strategy, Core Principle 3 seeks to promote the sustainable economic development to support the population of Meath.
- 7.6.2. Core Principle 4 seeks to support the sustainable heritage of the county by safeguarding the cultural, natural and built heritage and natural resources including biodiversity of the county.

- 7.6.3. Chapter 4 of the Plan sets out details of the Council's economic development strategy. The overall goal is to build on and enhance the competitiveness and attractiveness of County Meath in order to make it one of Ireland's prime location for indigenous and foreign and economic and employment generating investment.
- 7.6.4. Chapter 8 of the Plan relates to energy and communications. ECPOL6 seeks to encourage development proposals that maximise energy efficiency to siting, layout and design or which incorporate best practice in energy technologies, conservation and implementation of smart technology.
- 7.6.5. ECPOL11 seeks to support and facilitate the development of enhanced electricity and gas supplies and associated networks, to serve the existing and future needs of the county.
- 7.6.6. ECPOL12 seeks to cooperate and liaise with statutory and other energy providers in relation to power generation in order to ensure adequate power capacity for the existing and future needs of the county.
- 7.6.7. ECPOL13 seeks to ensure that energy transmission infrastructure follows best practice with regard to siting and design particularly to ensure protection of important recognised landscapes.
- 7.6.8. ECPOL16 seeks to ensure that the location of local energy services such as electricity be undergrounded where appropriate.
- 7.6.9. ECPOL19 seeks to promote the undergrounding of existing overhead cables and associated equipment where appropriate.
- 7.6.10. ECPOL35 seeks to secure high quality of design masts, towers and antennae and other infrastructure in the interest of visual amenity and the protection of sensitive landscape subject to radio and engineering parameters.
- 7.6.11. The subject site is located in Landscape Character 11. The landscape value of this area is described in the development plan as being "very high". The landscape sensitivity is described as being "medium" and the landscape importance is described as "regional".

8.0 EIA Screening Determination.

8.1. A substation and underground powerline are not a class of development for which an EIA is required. An overhead powerline is a class of Development for which a mandatory EIAR is required where it involves the 'Construction of overhead power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres. The overhead element of the powerline in this instance is 55 meters which is significantly below the threshold. Therefore, an EIAR is not required in this instance. The issue of EIA requirement is dealt with in more detail in section 9.7 of my assessment below.

9.0 Planning Assessment

Having inspected the subject site and its surroundings, consulted national and local planning policy together with the information contained on file, including the observations submitted and the applicants response to same, I consider the pertinent issues for determining the current application before the Board are as follows:

- Principle of Development
- Visual Impact
- Impact on the Setting and Integrity of Ravensdale House
- Impact on the Development Potential of Lands Surrounding Ravensdale House
- Consideration of Alternatives
- Contrary to the Policies and Provisions contained in the Kildare County Development Plan
- EIA Requirement
- Statutory Notices
- Appropriate Assessment Issues
- Other Issues

9.1. Principle of Development

- 9.1.1. As the application was made directly to An Bord Pleanála under the provisions of Section 182A of the Act, the Board needs to be satisfied that the principle of development on the subject site is acceptable, regardless of any specific issues raised in the observations submitted.
- 9.1.2. The substation in question is primarily but not exclusively proposed to augment the supply to ongoing and future activities at the Intel plant to the immediate south. The anticipated demand at the Intel facility will require a connection to the 220 kV network which runs via an overhead powerline to the north of the site between Maynooth and Woodlands. EirGrid is satisfied that the proposed GIS substation and loop-in/loop-out underground circuit lines to service the Intel facility including its proposed expansion under Reg. Ref. 304672 is required in order to comply with and implement EirGrid's obligations under the Transmission System Operation (TSO) in Ireland. It appears therefore that purely on technical grounds a GIS substation together with the underground circuit to link-in with the 220 kV Maynooth/Woodlands overhead powerline is entirely justified.
- 9.1.3. In broader terms there are a number of policy/objectives which would support the proposed energy infrastructure project. There can be little doubt that extending vital infrastructure such as the national power grid will foster, support and facilitate economic development within the region which would be beneficial to the State as a whole. The National Planning Framework acknowledges the need to *“reinforce the distribution and transmission network to facilitate planned growth and the distribution of more renewable focussed sources of energy across major demand centres”*. The proposal will assist in delivering a secure source of electricity to assist firms, including Intel to expand.
- 9.1.4. The National Development Plan acknowledges the need to improve and expand the energy network infrastructure. The plan acknowledges that investment in grid infrastructure including improvements in transmission networks are an important enabler of economic growth. The energy sector will have a critical role to play in meeting infrastructural needs and demands both at national and local level. The proposed development will assist in extending and serving a more reliable network to

Intel and the surrounding area and therefore accords with these wider strategic objectives.

- 9.1.5. The Regional Planning Guidelines for the Greater Dublin Area notes that under Policy PIR25 that the demand for electricity in the GDA is expected to increase by over 80% by 2025 and will constitute 30% of the energy demand for island of Ireland. It notes that improvements are necessary in the regional power/energy infrastructure in order to maintain a security of supply, attract additional industry and to allow for the connection of renewable energy sources to the grid. It also notes that EirGrid have highlighted the need for the reinforcement of the network to cater for the strong growth in Kildare. The Regional Planning Guidelines also designate Maynooth/Kildare as a “core economic area”. Requisite infrastructure must be put in place if the expansion of this core economic area is to be facilitated.
- 9.1.6. Policy EO4 of the county development plan seeks to continue to develop North Kildare as a digital economy “hotspot”. It is also acknowledged that there may be a requirement to reinforce the local network to be in a position to meet future electricity demands.
- 9.1.7. It is clear therefore that national and local policies would generally support the proposal in that it offers greater penetration and extension of the national grid network which can facilitate the continued development and expansion of employment opportunity within the North Kildare area. The proposed substation and associated infrastructure will provide critical energy supply to enable economic growth; a major policy objective in the strategic planning documents referred to above.
- 9.1.8. Finally, in relation to the principle of development both Meath and Kildare County Councils in which the proposed development is situated, have not objected to the principle of development on the lands in question. In fact, both County Councils are generally supportive of the development which would further reinforce the view that the principle of development is acceptable and subject to qualitative safeguards is in accordance with the proper planning and sustainable development of the area.
- 9.1.9. The principle of development is therefore acceptable in my view subject to qualitative safeguards many of which have been raised in the observations and will be assessed in more detail below.

9.2. Visual Impact

- 9.2.1. The observations from both Thomas Reid and the observation on behalf of David Watchman express significant concerns in respect of the visual impact arising from the proposed development. The latter observation expresses particular concerns that the visual impact will detract from the integrity and historic setting of Ravensdale House. Ravensdale House comprises of an 18th century two-storey five-bay dwelling which was extensively remodelled in the early 20th century. The building is set within arable farmland and is set back approximately 600 metres (to the north) from the Confey Road which separates the site from the proposed substation. There are two main access to Ravensdale House one is via a long private entrance onto the Confey Road c.1 kilometre to the north-west of the entrance to the proposed substation while the other is approximately 150 to the north west of the entrance to the proposed substation. Both entrances were closed at the time of my site inspection.
- 9.2.2. In terms of assessing the visual impact arising from the proposal, the Board should assess the visual impact arising from (a) the proposed substation and associated communications mast and (b) the proposed link-in to the 220 kV overhead powerline via the two-line cable interface mast to the north at Bogganstown.
- 9.2.3. The proposed substation comprises of a large box shaped structure 60.6 metres in length and 17 metres in height. The proposed communications mast which is located to the rear (south of the substation building) rises to a height of 36 metres. The building is setback c.45 metres from the Confey Road. Some woodland and semi-mature woodland is located between the roadway and the proposed substation building. The photomontages contained in Appendix C of the Environmental Report depict the visual impact arising from the proposed substation structure. It is clear from these photomontages that even with the incorporation of additional landscaping the substation building will be very much apparent from vantage points along the Confey Road to the east and west of the subject site and from the closest entrance to Ravensdale House. The sheer size, scale and bulk of the building will be apparent from vantage points along the Confey Road in close proximity to the site. The environmental report assesses the visual impact from Ravensdale Gate (VP3) and the impact is determined as 'moderate' during the pre-mitigation phase and

'moderate to slight' during the residual phase. The mitigation measures to be employed which primarily comprises of extensive planting and landscaping along the roadside boundary will to some extent soften the size and scale of the building. However, the presence of the building will still be very much apparent from vantage points along the Confey Road. The receiving landscape however comprises of extensive agricultural low-lying flat land with regular field patterns. The northern lowlands as designated in the Kildare County Development Plan has a Class 1 – 'low sensitivity' which is described as an area with the capacity to generally accommodate wide range of uses without significantly adversely affecting the appearance or character of the area. The landscape in which the proposed substation is to be located can be considered therefore to be robust or least sensitive in terms of its capacity to assimilate large developments such as that proposed. The applicant in his response to the observations submitted also indicates that the substation will not be visible from scenic viewpoints in the area the closest of which is Sandford Bridge on Kellystown Lane c.400 metres to the south-west of the subject site. There is a large band of woodland to the immediate north of the Rye Water River which would in my opinion screen any views of the proposed substation from the bridge in question. The Board will note that views from Sandford Bridge are protected in the Kildare County Development Plan.

- 9.2.4. Ravensdale House is located c.880 metres from the proposed substation. The substation is located on the southern side of the Confey Road outside the curtilage and attendant grounds associated with the house. Furthermore, there is a band of mature trees along the northern side of the Confey Road along either side of the entrance into Ravensdale House and these mature trees which I estimate to be upwards of 15 metres in height will also assist in screening the proposed substation from vantage points in the front of Ravensdale House. The Board will also note that the proposed substation will not impinge upon the visual frame of Ravensdale House due to the fact that it is located to the rear of any vantage point towards Ravensdale House. The substation located almost a kilometre away from the house will not result in any adverse impact on the setting of the house from a visual perspective. The greatest impact of the proposed development on vantage points from Ravensdale House will be from the entrance to Ravensdale House which is located to the immediate north-west of the proposed substation (VP3 as indicated in the

photomontages). This is one of two entrances to the demesne. While the visual impact at this entrance will be moderate to significant in my view, I do not consider that this in itself constitutes justification for refusing planning permission for such a critical piece of infrastructure. The adverse impact will only relate to an area extending approximately 500 metres to the west along Confey Road and 600 to 700 metres to the east along the Confey Road. On balance therefore having regard to the low sensitivity of the scenic environment and the relatively heavily planted lands particularly to the south of the site, it is considered that the proposed substation building would not have such a significant or profound impact on the visual amenities of the area or of Ravensdale House to warrant a refusal of planning permission in this instance.

- 9.2.5. The other element of the proposal which will give rise to the visual impact relates to the two proposed interface masts at the northern end of the project which will link in to the existing overhead line at Bogganstown. It is clear from the photographs attached and from the photomontages submitted with the application that the receiving landscape is already characterised by overhead powerlines which form part of the Maynooth/Woodlands 220 kV infrastructure. The proposed two interface masts will not be visible from the immediate vicinity of Ravensdale House which is located c.1 kilometre to the south. This is primarily due to the fact that there is a significant band of trees surrounding the northern perimeter of the house. Furthermore, having regard to the presence of existing powerlines which traverse the lands in question, the provision of an additional two masts would not look incongruous or would not significantly alter the character of the existing environment to the extent that it could be considered detrimental to the visual amenities of the area. The two new interface masts will be visible in the middle ground when viewed from the R157 Regional Road and houses along that road. However, they will be set amongst existing vegetation and existing overhead lines. I would agree with the conclusion set out in the Environmental Report that the cluster of new masts will result in an intensification of electricity infrastructure upon the landscape but will not alter the nature or the visual amenity of the area to any material or appreciable extent. There are a number of local roads in the townland of Rathleek to the east of the site. These networks of roads are located c.1 kilometres from the proposed interface masts. Having carried out a site inspection along the roadways in question,

I consider that any potential views of the new masts will be screened to a significant extent by intervening vegetation. The visual impact will not be material in my view.

- 9.2.6. Arising from my assessment above therefore, I consider the visual impact arising from both the substation and the proposed new interface masts in Bogganstown would not be significant or material to the extent which would warrant a refusal of planning permission for the proposed development having regard to the nature of the receiving lands which are considered to be generally suitable to accommodate development of the nature proposed. Finally, in relation to this matter I note that neither Meath County Council nor Kildare County Council have expressed any significant concerns in relation to the proposed development from a visual impact perspective.

9.3. **Impact on the Setting and Integrity of Ravensdale House**

- 9.3.1. As already referred to above, Ravensdale House appears to date from the 18th century but was the subject of substantial renovations in the early 20th century. It is a structure of architectural integrity and historic importance and therefore it is important consideration as to whether or not the proposed development would significantly detract from the structure and the demesne landscape which defines the curtilage and attendant grounds of Ravensdale House. The grounds of appeal suggest that the scale and location of the proposed GIS substation could potentially adversely impact on the historic demesne. I have argued above in my assessment that the proposed GIS substation is physically separated from Ravensdale House by a distance of just under a kilometre. The substation is not located contiguous to the curtilage of the demesne. Ravensdale House is surrounded by agricultural fields. There are no landscaped historic gardens within the curtilage of the demesne that could be adversely affected by the development proposed. In my opinion there would be more validity in the arguments set out in the observation on behalf of Mr. Watchman if Ravensdale House comprised of historic buildings with associated historic landscaping and gardens. While I acknowledge that the house does form an important architectural group of demesne structures with associated lodges (now vacant or dilapidated), ornamental gates, a ha-ha and a walled garden, the House is set amongst a working agricultural environment. I am therefore satisfied that the proposed substation to the south and interface masts to the north will not have an

adverse impact on the setting and integrity of the house and the surrounding lands. In my opinion there is sufficient separation distance between the proposed structures and the historic demesne to ensure that its setting and integrity is not unduly altered.

- 9.3.2. The only other potential adverse impact that could arise would result from the laying and construction of the underground cables between the substation and the interface masts. The underground cables enter the townland of Ravensdale and will run along the demesne's eastern boundary and will continue northwards along the alignment of the eastern entrance to the house for a distance of approximately 380 metres before turning north-eastwards along the eastern boundary of the historic house and onwards into County Meath. The underground cable will at its closest point be in excess of 300 metres away from Ravensdale House. It is acknowledged that the underground cables will have a temporary impact on the setting of Ravensdale House during the construction phase. However, this will be temporary in nature and will affect only a small portion of land in the overall demesne. The observation submitted on behalf of Mr. Watchman did not provide any demonstrable examples as to how the proposed development will impact on the historic setting and integrity of the demesne in question, particularly during the operational phase. It is my considered opinion that any impact derived from the proposed development in respect of the historical integrity and setting of the demesne will be modest and negligible and would be temporary in nature and would not constitute reasonable grounds for refusal.

9.4. Impact on the Development Potential on Lands Surrounding Ravensdale House

- 9.4.1. I would agree with the sentiments expressed in the applicant's response to the grounds of appeal that it is difficult to reconcile the argument that on the one hand the proposed development will impact on the setting and integrity of the historic Ravensdale demesne and then on the other hand argue that the proposed development would adversely impact on the development potential of the demesne. I would suggest that if Ravensdale demesne was so sensitive to the development of a GIS substation on the southern side of the Confey Road together with underground cables along the eastern boundary of the demesne then in my view it would equally be very sensitive to any other type of development on the lands in question.

Furthermore, as pointed out by EirGrid in response to the observations submitted, the Ravensdale House demesne is located outside the development boundary for Leixlip and is currently zoned for agricultural purposes. As it stands therefore there is little or no development potential for Ravensdale demesne.

- 9.4.2. Were the situation to change in the long term, and the lands were to be rezoned and made available for development as suggest in the observation on behalf of Mr David Watchman, the underground cable incorporates a relatively modest and narrow alignment which traverses the eastern part of the demesne. Even with the incorporation of service tracks and cable joints the width of the cable alignment is only c. 20 metres in width therefore only a small percentage of the lands would be sterilised as a result of the underground cables. If a situation were to arise that the subject lands were deemed suitable for development, only a small portion of the lands in question would be encumbered in terms of development potential.

9.5. **Consideration of Alternatives**

- 9.5.1. The observation submitted on behalf of Mr. Watchman argues that no sound environmental rationale was set out in the application to support the identified and preferred option in relation to the proposed development. It is suggested that no alternative sites, including sites to the south of the Intel development were considered for the location of the substation. Other perceived deficiencies in relation to the alternative studies undertaken include that there was an obvious bias for siting the substation in close proximity to the source of demand. It is also suggested that the townlands of Bogganstown and Knockcudder were discounted to accommodate a substation without any reference to environmental criteria. It is also suggested that one of the main alternatives in terms of providing overhead lines was rejected at an early stage without being detailed comprehensively. For the above reasons, it is argued that the applicant failed to adequately assess alternatives in any meaningful way.
- 9.5.2. Some of these criticisms set out are unfounded and do not stand up to scrutiny in my opinion. First and foremost, the application has not been accompanied by an EIAR (see section below in dealing with this issue) and therefore the applicant is not statutorily obliged to investigate reasonable alternatives as specified under Schedule 6(1)(d) of Article 94 of the Planning and Development Regulations 2001, (as

amended) as would be the case if the application was subject to EIA. Secondly the applicant, if it were deemed necessary and appropriate to carry out EIA, is not required to slavishly investigate and evaluate every possible alternative available, but is merely required to set out any reasonable alternatives as part of undertaking an EIA process.

- 9.5.3. Notwithstanding the above the applicant did provide significant detail in Chapter 3 of the Environmental Report submitted which specifically dealt with the consideration of alternatives. Further details of the alternative processes undertaken are contained in Appendix A of the Environmental Report (referred to as a Step 4 Report). In terms of alternative locations, it would seem eminently reasonable that any substation connecting the 220 kV powerline to the north would be located between the said powerline and the main demand customer site i.e. Intel. In this regard any alternative sites to the south as suggested in the observation submitted on behalf of Mr. Watchman would not constitute a reasonable alternative in my opinion. The Maynooth/Woodland 220 kV overhead line was identified at an early stage as the only circuit to the general area that could accommodate the required demand. The alternatives presented also investigate alternative design considerations, various design combinations was assessed in the context of a multi-criteria evaluation including technical performance, economic performance, environmental impact, deliverability and socio-economic impact. Two types of switchgear were also considered in the form of a gas insulated switchgear and an air insulated switchgear.
- 9.5.4. Alternative locations to the north of the Intel site were also considered. It is noted however that the substations options to the north of the preferred option would require a high voltage switchgear whereas the preferred option would not. An overhead line and an underground circuit interface solution was also considered. Details of the best performing option is set out on page 141 of the Step 4 Report. While the observation on behalf of Mr Watchman may not agree ultimately with the preferred design option, I am satisfied that the applicant in this instance has adequately explored reasonable alternatives with regard to location, technologies, substation layout and overhead versus underground connections as well as route design options. The preferred option before the Board in my view represents a reasonable option on which to undertake an assessment and evaluation in order to

determine whether or not the proposed development can be considered to be in accordance with the proper planning and sustainable development of the area.

9.6. Contrary to the Policies and Provisions contained in the Kildare County Development Plan

- 9.6.1. The observation received on behalf of Mr. Watchman of Ravensdale House argues that the various policies contained in the Kildare County Development Plan are being undermined by the proposal. Reference is made to numerous policy statements contained in the Kildare County Development Plan which requires that electricity powerlines and their overhead cables should take into consideration the impacts of such development on the landscape on nature conservation, on archaeology, residential and visual amenity. Reference is also made to various conservation policies contained in the Plan which seek to protect and maintain important elements of the built heritage including historic gardens, landscapes and demesnes. Similar type policies, it is argued, are contained in the Meath County Development Plan which seeks to ensure that energy transmission infrastructure incorporates best practice with siting and design particularly in sensitive landscapes. Reference is also made to a number of policy statements with regard to the need to protect and maintain the integrity of historic parks, gardens and demesnes contained in the Meath Plan.
- 9.6.2. It is not proposed to assess the development before the Board in terms of its compliance with every relevant policy statement contained in the plans referred to. I have argued above that the proposed development will have little or no impact on the historic setting or integrity of Ravensdale House. Furthermore, while I acknowledge that the proposed GIS substation constitutes a large and bulky insertion into the landscape, the visual impact will be somewhat mitigated through the incorporation of additional planting and screening over the long term. Furthermore, the receiving environment in terms of landscaping is deemed to be least sensitive and relatively robust to accommodate development such as that proposed.
- 9.6.3. With regard to nature conservation issues, the planning application for the substation has been the subject of a Natura Impact Statement and this is evaluated under a separate heading set out below. The environmental report submitted with the

planning application includes an impact assessment in respect of archaeology and architectural and cultural heritage. It is noted that no sites of archaeological potential were identified during the field walkover study. It is acknowledged that there is potential for previously undiscovered below ground remains to be revealed as a result of construction works and excavation works on site. It is however proposed that a programme of archaeological test excavation be undertaken within the construction area, focussing on the line of the underground circuit route. Additional archaeological monitoring will also take place during the works to be undertaken.

9.6.4. Therefore, and notwithstanding the argument set out in the observations submitted on behalf of Mr. Watchman, I do not consider that the proposed development in any way contravenes or results in a non-compliance with the policy statements contained in the Development Plans in question . As such, I do not consider that the proposed development would adversely impact on the visual, architectural, historic, archaeological or residential amenities of the area.

9.6.5. The fact that neither Kildare County Council or Meath County Council raised specific concerns in relation to the proposed development contravening specific policy objectives contained in either plan suggest that both local authorities have no concerns in this regard. Both local authorities did not advise against granting planning permission for the proposed development on the basis that the proposal contravened policy statements contained in the said plans.

9.7. **EIA Requirement**

9.7.1. The observation on behalf of David Watchman suggests that the development is of a class for which an EIA should have been submitted with the application. It is argued that the development proposed falls within a class of development set out in Schedule 5, Part 2, Paragraph 3(b) of the Planning and Development Regulations 2001 namely "*the transmission of electrical energy by overhead cables not included in Part 1 of this schedule where the voltage would be greater than 200 kilowatts or more*". The observation argues in this instance that the development includes the construction of two new cable interface masts to accommodate 55 metres of diverted 220 kV overhead lines.

- 9.7.2. The Board should note that there is a separate class of development under Part 1 of Schedule 5, that is relevant to the current application before it. That is, Class 20 where a mandatory EIA is required for the construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.
- 9.7.3. The current application before the Board relates to a GIS substation together with a loop-in/loop-out underground circuit to connect with an overhead powerline. The development does not comprise of a powerline per se, although it is acknowledged that the proposal will involve the construction of 55 metres of overhead powerline as part of the overall development. The construction of 55 metres of overhead powerline falls considerably below the threshold of 15 kilometres for which an EIAR would be a mandatory requirement. If the Board were to accept that an EIAR was necessary for the proposed development, then any proposed linkage into the overhead powerline which would likely in itself require some portion of overhead lines no matter how modest, would by implication require an EIAR. It would be quite clear that if any such logic were to be applied would be wholly contrary to the spirit of the EIA Directive which only seeks to assess potential environmental impacts from projects of a size and a scale that could have a significant impact on the environment. I would consider that in the case of overhead powerlines this potential impact is captured under Class 20 of Part 1 of the Regulations which relates to powerlines of more than 15 kilometres in length.
- 9.7.4. I am satisfied that an appropriate and robust EIA screening exercise was carried out in respect of the proposal and this is set out in Section 1.5.1 of the environmental report submitted with the application. I am further satisfied having regard to the nature of the development, the only element of which falls within a class for which EIA is required relates to a mere 55 metres of overhead powerline and this is considerably below the threshold for which a mandatory EIA is required.
- 9.7.5. Reference is also made in the Watchman observation that an EIAR should have been submitted on the basis that the substation is connected with the planned expansion of the Intel facility and that an EIA should have been submitted assessing the potential cumulative impact of the combined projects particularly as the development is located in an ecologically sensitive area. This assertion set out in the observation submitted also brings into question whether or not the proposal

constitutes project splitting and whether or not the O’Grianna judgement is relevant. In relation to this matter I would state the following:

- 9.7.6. It is acknowledged that the development is located in an ecologically sensitive area namely the proposal to incorporate directional drilling beneath the Rye Water Valley/Carlton SAC (Site Code: 001398). The applicant as part of the documentation submitted with the application has carried out an Appropriate Assessment Screening Stage 1 and on foot of this Stage 1 Assessment, has prepared an NIS assessing the proposed development in the context of the potential impacts of the qualifying interests associated with this Natura 2000 site and other European sites in the wider area. Furthermore, Chapter 7 of the Environmental Report assesses potential impacts arising from the project on biodiversity. Appropriate Assessment issues are dealt with further in my report.
- 9.7.7. The Board should also take cognisance of the fact that the adjoining planned expansion to the Intel plant was in itself subject to EIAR and this EIAR assesses potential cumulative impacts where they might arise with the proposed substation, as far as practically possible having regard to the time lag between the two applications in question.
- 9.7.8. Furthermore, perhaps more importantly, the Environmental Report submitted with the current application has, where appropriate, specifically addressed potential cumulative impacts arising from developments in the vicinity including the proposed Intel expansion. Specific sections in relation to cumulative impacts are contained in Chapter 7 (biodiversity), Chapter 12 (noise and vibration), Chapter 13 (material assets and traffic) and Chapter 15 which specifically relates to cumulative effects. I further note that references to cumulative effect are contained in the various chapters (Chapter 6 to 14) of the environmental report where such impacts are identified as a potential issue. I am satisfied therefore that the applicant has taken into consideration cumulative impacts arising from the proposed development together with the planned expansion of the Intel plant at the site together with other developments in the area¹.

¹ Other projects include the Confey Solar Farm, the Lower Liffey Valley Regional Sewage Supply Scheme, the upgrade and alignment of the R148 and proposed and anticipated works which would be carried out along the Maynooth/Woodland 220 kV overhead powerline and substations.

- 9.7.9. In relation to the issue of project splitting, project splitting constitutes an attempt by the developer to deliberately frame the development into a series of separate projects in order to circumvent the requirement to produce an EIAR for the overall project. I have argued in an assessment above that an EIAR is not required in this instance on the basis that the overall proposal does not form the class of development for which EIAR is required and that the small element of overhead powerlines amounted to 55 metres in length falls considerably short of the threshold in relation to overhead powerlines for which an EIAR would be required.
- 9.7.10. Finally, in relation to EIA requirement, I refer the Board to its own direction in the case of ABP -303412 -19 which relates to the pre-application consultation. In it, the Board determined that an application for approval must be made directly to the Board and this application should be accompanied by a Natura Impact Statement. There was no reference to the requirement of an EIAR which implies that an EIAR was neither mandatory or warranted in this instance.
- 9.7.11. With regard to the O’Grianna judgement, it is clear from statements in the documentation submitted by both EirGrid in the case of the current application and Intel in the case of the adjoining application under Reg. Ref. 304672-19, that the proposed Intel extension and the current application involving the construction of a substation, underground cables and connection to overhead powerline, do not constitute a single project. EirGrid specifically state that the proposed SID application currently before the Board is not specifically required to serve Intel’s planned expansion. Furthermore, Intel have stated in its response to the grounds of appeal under An Bord Pleanála 304672-19 that the proposed extension to Intel is not solely reliant on the provision of a new 220 kV substation in order to operate. On this basis I do not consider that the proposed development contravenes the legal tests set out in the O’Grianna judgement.
- 9.7.12. Finally, in relation to this issue there is no legal requirement that both projects must be submitted in the form of a single application. The critical issue is that cumulative effects are assessed for the purposes of determining the application and I consider that cumulative effects have been adequately assessed in this instance².

² The judgement in the case of North Kerry Wind Turbine Awareness Group versus ABP IEHC126 determined that there is no requirement in the case of the said wind farm that grid connection works must be included in any application for the wind farm.

9.8. Perceived Deficiencies in the Appropriate Assessment

9.8.1. Both the observation from Thomas Reid and from David Watchman express concerns that the proposed development would have an unacceptable impact on the Rye Water Valley/Carton SAC. The observation from Mr. Thomas Reid did not elaborate as to the exact nature of these adverse effects. However, the observations submitted on behalf of David Watchman set out a number of concerns including concerns in relation to the adequacy of the Natura Impact Statement submitted with the application. The main concerns contained in the observations are set out below.

- The NIS does not appear to have taken due regard to the Annual Environmental Reports associated with the IEP License in connection with the Intel facility which identify potential significant, negative, cumulative environmental impacts associated with the existing operations on the Intel facility. In particular, reference is made to groundwater contamination. For this reason, it is concluded that cumulative impacts have not been adequately assessed.
- The NIS fails to consider the proposed development in combination with historic and planned projects associated with the Intel facility.
- It is argued that there was no proper assessment on bats and the bat surveys undertaken as part of the investigations were insufficient.
- The NIS has not properly assessed the boring processes which would be undertaken as part of the directional drilling under the Rye Water River including previous examples of the proposed technology. This was highlighted by An Bord Pleanála in the pre-application consultation submission.
- The cumulative impact arising from the wider operations of the Intel facility including the disposal of hazardous waste off-site was not taken into consideration in determining the potential in combination effects.

9.8.2. I propose to deal with each of these issues in turn prior to carrying out an independent appropriate assessment of the application as part of my overall assessment of the development (see section 9 below).

9.8.3. Most of the concerns expressed in the observation by Mr. David Watchman in relation to the NIS are contained in a separate report prepared by FERS entitled

“Environmental Peer Review Report of the Planning Application (Strategic Infrastructure Development) EirGrid Capital Project 1029 on behalf of Declan Brassil and Company”.

- 9.8.4. The thrust of this report argues that the NIS fails to adequately assess potential in combination effects particularly arising from developments associated with the Intel facility. I refer the Board to Appendix B of the NIS. It sets out details of all relevant development that have received planning permission at the Intel facility since 2011. I note that all the applications in question were subject to a Stage 1 Appropriate Assessment and in some cases were brought on to a Stage 2 Assessment. All the assessments (whether Stage 1 or Stage 2) concluded that there would be no adverse impacts on the conservation objectives/qualifying interest associated with the Natura 2000 sites identified as potentially being at risk (namely the Rye Water Valley/Carton SAC). As no adverse impacts were identified in the appropriate assessment carried out for each of the historical projects on the Intel site, it is reasonable to conclude that in combination effects and the Intel facility will not arise.
- 9.8.5. With regard to the adverse findings in the EPA Annual Environmental Report associated with the Intel facility, these potential concerns relate to the contamination of groundwater beneath the facility. The hydrogeological assessment associated with the EIAR submitted in respect of the application for the expansion of the Intel facility (Reg. Ref. 304672) indicate that the subjacent aquifer beneath the site constitutes a poor aquifer with low hydraulic conductivity and transmissivity. The potential therefore that any groundwater contamination beneath the site could impact on the qualifying interests associated with the adjoining SAC to the north is limited. Furthermore, and more importantly it is not anticipated that the current application before the Board will result in any deterioration in groundwater quality. A series of mitigation measures are to be put in place to ensure that water quality in general will be maintained and will not deteriorate as a result of the proposal. Therefore, in combination and cumulative effects will not arise as a result of the current application before the Board. Details of the mitigation and safety measures to be employed are also set out in the Outline Construction and Management Plan submitted with the application. Section 4 of this plan sets out detailed control measures which will be employed during the construction phase and Section 4.3 sets out details in relation

to water quality control measures. These measures include the demarcation of buffer zones, silt control measures and watercourse crossings.

- 9.8.6. The cumulative impacts arising from the wider operation of the Intel facility including the disposal of hazardous waste material off-site is not a relevant consideration in my opinion. Any appropriate assessment issues that may arise in relation to the delivery, acceptance and disposal of hazardous waste and facilities off-site are a matter for the facilities in question and do not directly relate to the current application before the Board or the potential in combination effects with Natura 2000 sites in the vicinity of the proposed development (namely the River Rye Water Valley/Carlton SAC).
- 9.8.7. Concerns are expressed that the NIS did not adequately assess the potential impacts arising from directional drilling including previous examples of the proposed technology. This, it is argued, was a requirement by the Board as part of its pre-application consultation discussions. Again, I would refer the Board to the Outline Construction and Environmental Management Plan which sets out in Section 4.3.3 details of the proposed river crossings to be employed including the incorporation of trenchless construction and horizontal directional drilling. Further information in relation to this process is set out in Section 4.6.1 of the Environmental Report and also Section 11.4 of the Environmental Report (specifically pages 227 to 229 of the report). I am satisfied that there is enough information on file to enable the Board to determine whether or not the directional drilling to be undertaken beneath the Rye Water Valley/Carlton SAC will have an adverse impact on the integrity of the SAC. This and other issues are dealt with in more detail below in the independent evaluation of the appropriate assessment undertaken in relation to this proposed development.
- 9.8.8. The observation submitted also argues that the NIS failed to critically evaluate alternatives to the horizontal directional drilling in terms of traversing the power lines /cables across the Rye Water Valley/Carlton SAC. The overall development evaluated the advantages and disadvantages of providing an overhead powerline versus underground cables. The assessment of alternatives concluded that the provision of underground cabling would be more appropriate overall from an environmental perspective. Having assessed the NIS submitted with the application including the mitigation measures to be employed as part of the horizontal directional

drilling process (see section below), I am satisfied that the horizontal directional drilling process will present no threat to the integrity of the qualifying interests associated with the Rye Water Valley/Carlton SAC.

- 9.8.9. Concerns are expressed that too many conclusions contained in the NIS are predicated on the success of mitigate measures. I have read in detail the mitigation measures proposed to be undertaken as part of the works to be incorporated into the scheme particularly during the construction phase. I do not consider that any of the mitigation measures proposed are particularly onerous on the applicant or on the very technical nature which could potentially undermine the success of the measures in question. As such, I have no reason to believe that the mitigation measures in this instance would be unsuccessful in their intended purpose.

9.9. **Other Issues**

- 9.9.1. The observations submitted by Mr. Thomas Reid raise a number of questions which are briefly dealt with below.
- 9.9.2. Mr. Reid questions who designated the proposed GIS substation as “Capital Project 1029”. The designation of such infrastructure projects is a matter for EirGrid and not An Bord Pleanála.
- 9.9.3. Mr. Reid also questions who determined that the current application before the Board constitute strategic infrastructure development. The Board on foot of the inspector’s report under ABP 303412-19 dated 4th June, 2019 which concluded that the proposed development falls within the scope of Section 182A of the Planning and Development Act 2000, as amended, and therefore constitutes strategic infrastructure. This conclusion was endorsed by way of a Board Order dated 18th June, 2019.
- 9.9.4. Mr. Thomas Reid also suggested that all documentation be made available in relation to the proposed development as required under EU Directives. I am not aware of any documentation being withheld or concealed in relation to the proposed development. Any documentation withheld from the observer, outside the jurisdiction of the Board is not a matter for the Board. All documentation and correspondence associated with this strategic infrastructure development is contained on file and is available to the public.

9.9.5. The observation on behalf of Mr David Watchman suggested that the public notices were insufficient on the basis that no reference was made to the 55m of overhead power cables in the said notices. The purpose of the public notice is to set out broadly the nature and extent of development. It is not a requirement to fastidiously mention every aspect of the proposed development as this would prove very onerous in the case of larger complex projects. Copies of the public notices were sent into the Board as part of the application and these notices were deemed to be acceptable. I note that reference is made in the public notices to the construction of two new Line Cable Interface Masts '*comprising the points of transmission from the existing OHL to the proposed UGC*'. This in itself implies that a section of overhead line will be incorporated as part of the proposal. I am satisfied that the nature and extent of the development has been adequately described in the public notices submitted.

10.0 **Appropriate Assessment**

- 10.1. 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 or projects on the qualifying interests associated with designated Natura 2000 sites in the vicinity. Specific concerns raised in the observations submitted are addressed separately in heading above entitled "Perceived Deficiencies in Appropriate Assessment" in the adequacy of the NIS submitted.
- 10.2. 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 plans and projects on Natura 2000 sites in the vicinity in view of the sites' conservation objectives, will be significant.
- 10.3. 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 vicinity most notably the Rye Water Valley/Carton SAC which is located to the immediate south of the site. The work to be undertaken, while being located wholly outside the SAC, could give rise to potential significant effects within the SAC arising

from alterations with the hydrogeological regime and potential degradation in water quality arising from potential surface water run-off during the construction works. It was on this basis that the applicant reasonably concluded in light of the best available scientific data, that there is potential for significant effects on the Rye Water Valley/Carton SAC from the proposed development and therefore the preparation of an NIS is required.

10.4. The Rye Water Valley/Carton SAC lies in close proximity to the southern boundary of the site and at its closest point approximately 30 metres from the works to be undertaken as part of the proposal. Most of the significant works to be undertaken will be located approximately 100 metres north of the SAC boundary. 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 host 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).

10.5. The qualifying interest associated with the Rye Water Valley/Carton SAC include:

- Petrifying springs with tufa formation.
- The narrow-mouthed whorl snail (*vertigo so angustoir*).
- Desmulin's whorl snail (*vertigo moulinsiana*).

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

10.7. No part of the proposed development encroaches into the boundary of the SAC site and as such development will not result in any loss, fragmentation or direct

interference with habitats for which the SAC is designated. It is not proposed to carry out any instream works hence no fragmentation of habitats associated water-based species are anticipated.

- 10.8. However in the absence of appropriate mitigation measures, potential impacts on the qualifying interests associated with the Rye Water Valley/Carton SAC could result. Works associated with the construction of cable line, interface masts (LCIMS) and the 2.3 kilometres of underground cable northwards from the proposed GIS substation are likely to give rise to negligible impacts on the SAC due to the nature of the works to be undertaken and the separation distance between the masts and underground cable from the SAC in question. These cables will be installed by open cut method. The works to be carried out on the underground cable are located a significant distance from the SAC in question. However, a small stream, the Hamwood Stream is located to the east of the cable trench along the eastern boundary of Ravensdale Demesne and could act as a hydrological conduit to transfer any pollution arising from the construction works into the SAC in question.
- 10.9. The proposed GIS substation and more particularly the proposed horizontal directional drilling beneath the Rye Water River present greater threats to the qualifying interest associated with the SAC. The horizontal directional drilling will take place along a 400 metre stretch on either side of the river.
- 10.10. The main potential impact on the SAC in question arises from breakout from the trenchless construction works whereby if not appropriately managed there is a risk of breakout of the drilling fluid into the surrounding environment (in this instance most probably bentonite). The other major impacts which could arise during the construction work relates to the release of a sediment and construction pollution into the Rye River and Hamwood Stream to the north which flows into the Rye River. This could result in significant degradation of water quality which in turn could impact on the habitats which support whorl snails within the SAC. While these snails primarily are associated with wetland habitats, and in this instance habitats associated with the petrifying spring habitat that occurs at Louisa Bridge approximately 1.6 kilometres downstream of the proposed development, fluctuation in water levels during heavy rainfall or flood event within the river could result in the overtopping of the banks and any sediment laden surface water could potentially impact on the wetland habitat associated with the whorl snail.

- 10.11. Any groundwater pollution event associated with the horizontal directional drilling could impact on groundwater quality in the area which in turn could adversely affect the habitat of the snails in question.
- 10.12. Airborne fugitive dust is also identified as a potential adverse impact arising from the extensive excavation drilling and stripping of soil which will take place on site.
- 10.13. The introduction of non-invasive species plants during the construction work were also identified as a potential threat or impact to the qualifying interests associated with the facility. A small area of Japanese Knotweed was recorded at the western end of the substation site.
- 10.14. During the operational phase, potential adverse impacts include light pollution associated with the artificial light which will be installed at the substation site. It is noted that no surface water stormwater run-off from the subject site will be discharged into the Rye River or any of its tributaries and in that regard no potential impacts are envisaged for the SAC.
- 10.15. The NIS sets out a series of mitigation measures in Section 3.6.1 of the report which would be implemented during the construction and operational phase to avoid or reduce the potential impact of the proposed development on the Rye Water Valley/Carton SAC.
- 10.16. The measures to protect surface water quality during construction include the following:
- All pollution control measures will be designed, installed and maintained in accordance with the CIRIA Guidance for "*Environmental Good Practice On-Site*" and the "*Control of Water Pollution from Linear Construction Projects – Technical Guidance*".
 - The proposed construction work area will be demarcated with fencing prior to construction work commencing. This fencing will be installed at a minimum setback of 10 metres from the bank of the Hamwood Stream and will also be installed a minimum of 50 metres from the southern band of the Rye Water to ensure that all works are restricted to outside the SAC boundary. No vegetation clearance will occur outside these delineated areas and there will be no loss of riparian woodland habitat.

- Silt fences will be installed along the length of the underground cable route adjacent to the Hamwood Stream and around the pits associated with the trenches, construction works and along the western boundary of the substation compound.
- Silt fences will also be positioned around stockpiles of excavated material to ensure no run-off occurs.
- Silt fences will be installed in advance of any ground disturbance works to be carried out. The silt fences will comprise of geotextile fabric which will be entrenched at least 100 millimetres into the ground. Any such fences will be inspected daily. The silt fences will remain in place until the disturbed areas within the sites have been reinstated and revegetated.
- All excavated and stockpiled material will be stored a minimum of 50 metres from any watercourse including both the Rye River and the Hamwood Stream and from any drainage ditches which are hydrologically connected with watercourses. Silt fences or gravel drain will be positioned around any stockpiles to prevent surface water run-off.
- Stockpiled material comprising of soil, earth and stone will be covered in order to prevent surface water run-off.
- No on-site batching of concrete will be permitted, and the proposed work areas concrete will instead be transported to the site within a concrete truck. Quick setting concrete mixes will be used to reduce the risk of contaminated run-off. All concrete trucks will be washed down and no washdown of concrete will take place within 50 metres of any watercourse or drainage ditch.
- Continual monitoring of the pH and the Hamwood Stream during the concrete works phase will be undertaken and where any change in the pH of plus or minus 0.5 is detected measures will be taken immediately.
- Sediment monitoring both upstream and downstream of the work will be undertaken on both the Hamwood Stream and the Rye River.
- Waste concrete slurry will be allowed to dry and taken into a licensed waste depot for disposal.

- Concrete works will be scheduled for dry weather conditions only in order to reduce elevated risk of run-off.
- The NPWS and the IFI will be notified immediately of any concrete spills in any of the adjoining watercourses.
- Strict monitoring of all hydrocarbons will be undertaken on site. Fuelling and lubrication of plant and equipment will be restricted to the construction compound site. No refuelling will be permitted to incur within 50 metres of any watercourse or drainage ditch.
- Where mobile equipment is required i.e. generators etc. these will be housed in suitably sized bund areas so that any potential leaks or spills are intercepted. No bunds will be located within 50 metres of any watercourse.
- All waste fuels, oils and other hazardous waste will be disposed of in accordance with the requirements of the Waste Management Act. Spill kits and hydrocarbon absorbing packs will be stored within the compound. All water from wheelwash facilities will be removed from site and disposed of in line with waste legislation. No water will be discharged into any watercourse or drainage ditch.
- Biosecurity measures will be implemented during the course of the works and during the installation of the underground circuits. Works across drainage ditches will be completely isolated from the watercourse in accordance with IFI guidelines.
- In relation to the trenchless construction technology, the ESB will appoint a competent specialist contractor to under the works and this contractor will prepare a trenchless construction method statement which will outline the standard approach for trenchless construction. The method statement will be agreed with the IFI and NPWS and the ESB before construction commences. Trenchless construction will be undertaken in accordance with industry best practice.
- To prevent a breakout of bentonite a number of actions will be implemented. These include close and strict monitoring of drill fluid density, viscosity and solids content on an on-going basis to ensure that the fluid does not increase

the pressure within the tunnel. In critical cases viscometers will be used to measure dry fluid gel strength and shear strength. Any increases in pump pressure experienced by the drill operator will be investigated immediately to prevent the risk of pressure build-up within the annulus. The monitoring of drilling operations will always be undertaken by a specialist contractor.

- Sediment monitoring both upstream and downstream of the trenchless construction works will be undertaken throughout the period of this construction.
- As part of the works sheet piles will be installed within the pits to prevent ingress of groundwater. In the event that an accumulation of water occurs all water be pumped out using submersible pumps. This water will then be permitted to infiltrate into the ground prior to any potential contaminants being removed from site for disposal by an appropriate permitted contractor.
- A number of biosecurity measures will be put in place such as the visual inspection of vehicles for evidence of attached plant or animal material prior to entering or leaving the works area. No instream works will be permitted within the Rye Water or its tributary. Where works are carried out within the drainage ditches, all machinery will be inspected and will be completed dry prior to works commencing to prevent the risk of pathogen translocation. All machinery will be cleaned following the completion of the works.

10.17. As already referred to above no potential threats on the qualifying interests associated with the SAC will arise during the operational phase of the proposed development. The only potential adverse impact identified relates to light pollution which could potentially disturb habitats. The NIS indicates that the lighting will be installed in accordance with a lighting plan which will ensure that lighting will be cowled towards the building and will not in any way be directed towards the SAC boundary. I consider that there is adequate separation distance between the substation site and the northern boundary of the SAC to ensure than any potential light spill arising from the development would be negligible.

10.18. In terms of in combination effects, the NIS recognises that the expansion of the Intel facility on the adjoining site to the south could result in a development which would potentially have in combination effects with the current application before the Board.

Reference is made to the NIS submitted with this application which I have assessed separately and independently in report (Reg. Ref. 304672). I fully agree with the conclusions reached in the NIS relating to the development to the south that the proposed development will have an imperceptible residual impact on the SAC in question. As such I would agree with the conclusions set out in the current NIS that there is no potential for in combination effects arising from the proposed development. I further note that the NIS submitted with the current application contains a list of all recent planning applications associated with the Intel facility in Appendix B of the document. All these projects were the subject of Stage 1 and/or where appropriate Stage 2 appropriate assessments. In each case it was concluded with the incorporation of appropriate mitigation measures no residual impacts would arise which could pose a threat to the integrity of the qualifying interests associated with the Rye Water Valley/Carlton SAC. As no impacts are envisaged no in combination effects will arise. I note that the ER makes reference to other projects in the area including the solar farm located approximately 400 metres to the east of the site and the construction of a new pedestrian bridge downstream of the site and the realignment of the R449/R148 Roundabout and the L1015 Confey Road. The NIS concludes that there is no potential for residual impacts in respect of any of these applications on the Rye Water Valley/Carlton SAC and as such there is no potential for in combination effects with these proposed projects.

10.19. With regard to other in combination and indirect effects, there is potential to affect the Natura 2000 sites referred to above located within Dublin Bay which is hydrologically connected and approximately 25 kilometres downstream from the subject site and the Rye River. If the Board accepts that, with the implementation of the above mitigation measures, there is little potential for impact on the water quality of the Rye Water Valley/Carlton SAC, it naturally follows that the potential for pollution downstream and Natura 2000 sites within Dublin Bay would be negligible as the Rye River provides the only pathway/conduit for potential impacts on the aquatic and marine environment associated with the Natura 2000 sites in Dublin Bay.

10.20. Conclusions in Relation to Appropriate Assessment

10.20.1. I have read the submitted Natura Impact Statement together with all other environmental reports submitted with the planning application including Chapter 7 of Biodiversity submitted with the Environmental Report. I have also read the NIS

submitted with the application by Intel Ireland Limited on adjacent lands for the expansion and reconfiguration of the Intel plant (Reg. Ref. 304672). I have also carried out an independent appropriate assessment on the basis of the information provided with the application and have had regard to the perceived inadequacies associated with the document articulated in the observations submitted. 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 other plans and 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 Conclusions and Recommendation

Arising from my assessment above and in accordance with the criteria set out under Section 182B I have considered all the information placed before the Board in respect of the current application and have had particular regard to:

- The Environmental Report and Natura Impact Statement submitted pursuant to Section 182A (and any submissions or observations made in accordance with the provisions of Section 182A),
- I have also considered the proposal in the context of the likely consequences for the proper planning and sustainable development of the area in which it is proposed to situate the proposed development, and
- I have considered the likely effects including adverse effects on the environment and on the integrity of a European site of the proposed development.

On the basis of the above assessment, I recommend that the Board approve the proposed development under Section 182B of the Planning and Development Act 2000, as amended, in accordance with the said plans and particulars based on the reasons and considerations and subject to the conditions set out below.

12.0 Reasons and Considerations

In coming to its decision, the Board had particular regard to the following:

- (a) the provisions of Project Ireland 2040 – National Planning Framework,
- (b) the provisions of the Regional Planning Guidelines for the Greater Dublin Area 2010 – 2022 and in particular the designation of Maynooth/Leixlip as a ‘core economic area’ in the said Regional Planning Guidelines,
- (c) the provisions of the Kildare County Development Plan 2017 – 2023 and the Meath County Development Plan 2013 – 2019 (as varied),
- (d) the Leixlip Local Area Plan 2017 – 2023,
- (e) the nature of the landscape and the absence of any specific conservation or amenity designation relating to the site for the GIS substation and the proposed route to link in with the Maynooth/Woodlands 220 kV overhead cable,
- (f) the pattern of development in the area including the location of historic demesnes and protected structures in the area, the proximity of the existing Intel Ireland facility and the separation distance of the site from existing dwellings and historic demesnes,
- (g) the submissions on file including those from the local authorities and prescribed bodies,
- (h) the documentation submitted with the application including the Environmental Report and the Natura Impact Statement,
- (i) the report of the Planning Inspector,

the board is satisfied that the information available on file is adequate to fully evaluate the proposed development in accordance with the proper planning and sustainable development of the area and to enable the Board to complete an appropriate assessment in relation to the potential adverse effects on the integrity of European sites in the vicinity.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European site. The Board however acknowledges that the proposal has the potential to adversely impact on the integrity of the conservation objectives associated with the Rye Water Valley/Carton SAC (Site Code: 001398).

The Board accepted and adopted the appropriate assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could be potentially affected and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans and projects on this European site in view of the site's conservation objectives. The Board is satisfied that the proposed development, either individually or in combination with other plans and projects would not be likely to have a significant effect on the Rye Water Valley/Carton Special Area of Conservation (Site Code: 001398) or any other site in view of the conservation objectives of these sites.

Conclusion on the Proper Planning and Sustainable Development

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

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

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

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars including the mitigation measures specified in the Environmental Report and the Natura Impact Statement lodged with the application for approval with An Bord Pleanála on the 8th day of July, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All mitigation measures set out the Environmental Report and the Natura Impact Statement and associated documentation submitted by the developer with the application shall be implemented in full except as may otherwise be required in order to comply with conditions of this order.

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

3. Details of all landscaping around the GIS substation shall be agreed in writing with the planning authority prior to the commencement of development. furthermore in terms of mitigation, the following shall take place:

- a) Specific tree protection measures shall be implemented in order to ensure the protection of the specimen tree in within the curtilage of

Ravensdale House indicated at CH6 in Figure 36 of the Environmental Report submitted with the application. Details of all protection measures shall be agreed in writing with the planning authority prior to commencement of development.

- b) In accordance with Section 17.2.6 of the Kildare County Development Plan five semi-mature trees shall be replanted for every mature tree felled as part of the proposed development.

Reason: In the interest of visual amenity.

- 4. Construction of the proposed development shall be completed in accordance with the outline Construction and Environmental Management Plan details of which are to be agreed in writing with Meath County Council and Kildare County Council prior to commencement of development. The plans shall incorporate the following mitigation measures:
 - (a) The location of the site and material compound including areas identified for storage and construction refuse.
 - (b) The location of areas for construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings.
 - (d) Details of on-site car parking facilities for site workers during the course of construction.
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage to include proposals to facilitate the delivery of abnormal loads on site.

- (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (g) Measures for the protection of all road surfaces, culverts, watercourses and ditches during construction. Details of any alterations or replacement of bridges or culverts shall be agreed in writing with the Office of Public Works prior to the commencement of development.
- (h) Details of appropriate mitigation measures for noise, dust and vibration including the monitoring of such levels during the construction phase.
- (i) Details of the containment and bunding of all construction related fuels, oils and hydrocarbons within specially constructed bunds to ensure that any fuel spillages are fully contained.
- (j) The management of construction/demolition waste including details of how it is proposed to manage any excavated soil on site.
- (k) Measures to protect the Hamwood Stream and Rye River including the incorporation of silt fences along both sections of the river which could potentially be polluted as a result of construction works carried out on site.
- (l) A protocol for reporting and monitoring all accidental spillages during the construction and operational phase that may cause soil contamination or groundwater or surface water pollution.

- (m) A water and sediment management plan providing for the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter the local watercourses or drains.
- (n) Details of a water quality monitoring and sampling plan for the Hamwood Stream and Rye Water River.

Reason: To prevent pollution.

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

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

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

6. During the construction phase of the proposed development, the noise level from within the premises, measured at noise sensitive locations in the vicinity, shall not exceed:–

(a) an $L_{Ar}(1 \text{ hour})$ value of 70 dB(A) during the period 0700 to 1900 hours from Monday to Saturday (inclusive), and

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

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

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

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

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

(ii) An L_{AeqT} value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.

[At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.]

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

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

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

Reason: In the interest of visual amenity.

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

Reason: In the interest of orderly development.

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

Reason: In the interest of orderly development.

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

Reason: In the interest of traffic safety

12. The developer shall pay to Meath County Council a financial contribution of €10,000 (ten thousand 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.

13. The developer shall pay to Kildare County Council a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to

commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Paul Caprani,
Senior Planning Inspector.

23rd October, 2019.