

Development

Provision of a temporary contractor's car park and contractor's compound(s) for a period of 5 years, associated with the development of the proposed extended and revised manufacturing facility at Intel, granted under An Bord Pleanála Reg. Ref: 304672. A Natura Impact Assessment (NIS) accompanies this application.

Location

Collinstown, Leixlip, Co. Kildare

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

20/157

Applicant

Exyte Northern Europe Ltd.

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Parties v Grant of Permission

Appellant(s)

(1) Seamus & Josephine Lennon and others

(2) Killross Properties Ltd.

Observer(s)

(1) Peter Sweetman and on behalf of
Wild Irish Defence (single
submission)

Date of Site Inspection

12.01.2021

Inspector

Anthony Kelly

DECISION QUASHED

1.0 Site Location and Description

- 1.1. The site is south of the Intel Campus in the western area of Leixlip.
- 1.2. The site has frontage to the dual carriageway Regional Road (R449) which includes an existing agricultural vehicular access. The site effectively comprises four separate fields with normal tree/hedge field boundaries. Ground levels undulate and ESB lines, including a 110kV line, traverse the site. The site is bounded to the north by the Dublin-Sligo railway line and the Royal Canal. There is a local road along the north western boundary. There are fields to the west, south and east of the subject site.
- 1.3. The site has an area of 14.95 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for a temporary contractors' car park and contractors' compound(s) for a five year period associated with the permitted development under ABP Reg. Ref. 304672-19 to include:

- Modifications to existing site entrance, footpath and cycle lane on the R449 to facilitate access to the proposed development
- Maximum 300 no. space car park
- Approx. 14 no. compounds from 1,500sqm to 10,500sqm in area
- Site accommodation e.g. canteen and welfare, security, toilets, bus shelter etc.
- Temporary de-crating building and manoeuvring and operational space, logistics and maintenance yard, truck holding compound, lighting, fencing etc.

- 2.2. In addition to standard planning application plans and particulars the application was accompanied by:

- A Planning Report
- A Transport Assessment
- A Stage 1 Road Safety Audit
- A Site Infrastructure Report

- An Ecological Impact Assessment (EclA)
- A Tree Survey & Planning Report and Outline Landscape Specification for Softworks
- A Construction & Reinstatement Environmental Management Plan (CREMP)
- An Archaeological Impact Assessment (AIA)
- An Appropriate Assessment Screening Report
- A Natura Impact Statement (NIS)
- Photomontages

2.3. Further information was submitted in relation to foul sewerage treatment and disposal, additional photomontages, and responses to the submissions and statutory referral reports received.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Permission was granted subject to 31 no. conditions relating to, inter alia, a duration of five years, foul sewerage, surface water disposal, construction practices, submission of a Project Waste Management Plan for Construction and Demolition, extension of the Construction Stage Mobility Management Plan to include this development, submission of Construction and Traffic Management Plan(s) and Construction Environmental Management Plan(s), staggering of construction staff shift finishing times, Irish Water connection, construction hours and development contributions.

3.2. Planning Authority Reports

3.2.1. Two Planning Reports form the basis of the planning authority decision. The second report considers that the principle of a temporary construction compound and all associated works is acceptable, does not prejudice or prohibit the securing of

employment related objectives in the Leixlip Local Area Plan 2020-2023 and may be permitted.

3.2.2. Other Technical Reports

Area Engineer – Conditions recommended.

Roads and Transportation – Recommends a grant subject to conditions.

Environment Section – No objection subject to conditions, following the further information response.

Water Services – No objection subject to conditions.

National Roads Office (NRO) – Proposed mitigation measure of staggering finishing times for construction staff should be implemented and monitored.

Heritage Officer – No objection.

Environmental Health Officer – The proposal is acceptable subject to conditions.

Chief Fire Officer – No objection.

3.3. Prescribed Bodies

Irish Water – No objection. Observations made.

Health and Safety Authority – The Authority does not advise against the granting of permission in the context of Major Accident Hazards.

Transport Infrastructure Ireland (TII) – No observations.

3.4. Third Party Observations

3.4.1. Nine submissions were received in total. Six were from residents of the general area. One was from residents of Grosvenor Road, Rathmines, Dublin 6. Submissions were also received from Peter Sweetman and on behalf of Wild Irish Defence (single submission) and Killross Properties Ltd. The issues raised are largely covered by the grounds of appeal, the observation and further responses received by the Board with the exception of the following:

- Objects to the name 'Alley Castle' being used for the site.
- Concern raised about the R148 road realignment that has occurred.

- Concern about air quality.
- The Stage 1 Road Safety Audit and Transport Assessment are not adequate.
- The extent and description of the development is unclear.
- Flood risk.
- Based on the information submitted it is not possible to grant a permission which complies with the Habitats Directive.
- The development will render the objectives of the LAP to provide a business campus inoperable for at least five years.
- Killross Properties Ltd. intends to progress development of its land adjacent to the east of the site with a left-in left-out junction and access road from the R449. This would allow Killross to proceed with initial stages of development of Collinstown Business Campus while facilitating access to adjoining land. The Killross access is a more sustainable proposal in the context of fulfilling the objectives of the LAP and will facilitate delivery of the initial stages of development of the Business Campus while simultaneously providing access to adjoining land.

4.0 Planning History

4.1.1. There has been no previous valid planning application on site.

4.1.2. Relevant planning applications on the Intel campus include:

P.A. Reg. Ref. 12/435 / ABP Reg. Ref. PL 09.241071 – Permission was granted in 2013 for buildings and ancillary works for the manufacture of integrated circuits. A ten year permission was granted.

P.A. Reg. Ref. 16/1229 / ABP Reg. Ref. PL 09.248582 – Permission was granted in 2017 for a revised design and configuration of a previously permitted manufacturing facility over four levels including support areas, roof mounted stacks and equipment ranging in height up to 24 metres above parapet. A ten year permission was granted.

P.A. Reg. Ref. 19/91 / ABP Reg. Ref. 304672-19 – Permission was granted in 2019 for a ten year permission for an extended and revised manufacturing facility including

reconfigured and extended support buildings, water tanks and yards to provide for additional manufacturing capacity.

P.A. Reg. Ref. 19/1339 – Permission was granted in 2020 for modifications to the air separation units, tank and equipment installations granted as part of ABP Reg. Ref. 304672-19 including reconfigured site layout of the proposed structures and support plant.

P.A. Reg. Ref. 20/333 / ABP Reg. Ref. 307806-20 – Permission was granted in 2020 for minor modifications and reconfigurations to ABP Reg. Refs. PL 09.248582 and 304672-19.

4.1.3. There is a current planning application adjacent to the east of the site from Killross Properties Ltd. who made a submission on file and also submitted grounds of appeal:

P.A. Reg. Ref. 20/399 – Permission is sought for modifications to the existing entrance and the existing footpath and cycle lane to the western side of the R449 to provide a new left-in left-out vehicular access to an internal access road and junctions to facilitate the future development of 'Collinstown Business Campus' together with public lighting, landscaping and associated services. Further information was sought on 02.07.2020. An extension of time was permitted to 10.04.2021.

5.0 Policy Context

5.1. Kildare County Development Plan 2017-2023

5.1.1. Section 2.5 (Settlement Hierarchy – Regional Context) (as per the Variation of the Plan) states that, in Leixlip, the former Hewlett Packard site and Collinstown site have been identified as strategic employment areas. Intel is recognised as an employer of significant size in Section 5.1. Table 5.2 (Economic Development Hierarchy) identifies Collinstown as a Strategic Development Area in the Metropolitan Area Strategic Plan to strengthen the employment base for North Kildare. Its 'sectoral opportunity' is 'Business Parks comprising knowledge-based economy focusing on high tech/biotechnology, research and development, ICT and manufacturing.

5.2. Leixlip Local Area Plan 2020-2023 (LAP)

- 5.2.1. The site is zoned 'Q: Enterprise & Employment' with a land use zoning objective 'to provide for and facilitate the provision of high job-generating uses'. Objective CS1.4 is to promote and support the development of a business campus at Collinstown, in accordance with the Design Guidance and Principles for these lands. Other objectives also promote similar development e.g. Objectives EDT1.1 and EDT1.2.
- 5.2.2. Section 6.2.1 states 'Intel occupies the campus at Collinstown, employing approximately 4,500 people. This multinational company engages in continuous estate management including reconfiguration and repurposing of existing buildings on site, upgrading of site infrastructure and new build if/as required. This LAP supports the on-going operations of this significant industry and also supports further appropriate levels of development and reconfiguration at the Intel Business Campus during the lifetime of this LAP'.
- 5.2.3. The vision for Section 12.6 (Collinstown Strategic Employment Lands) is 'To guide the development of a high-quality, attractive and sustainable business campus environment that is characterised by comprehensive pedestrian/cycle friendly infrastructure, which also facilitates the efficient functioning of business and enterprise activities within this zone. The implementation of best practice urban design principles within the Campus will assist in the long term economic viability and vibrancy of the area'. The site forms part of this overall 59.6 hectares area.

5.3. Natural Heritage Designations

- 5.3.1. The closest Natura 2000 site is Rye Water Valley/Carton SAC approx. 670 metres to the north. The closest heritage area is Royal Canal pNHA which runs along the northern boundary of the site.

6.0 The Appeal

6.1. Grounds of Appeal

Grounds of appeal were received from Seamus and Josephine Lennon and 17 no. others, Kilmacreddock, Maynooth (residents to the west and south west of the site) and Killross Properties Ltd. (the landowner adjacent to the east). The main points made can be summarised as follows:

6.1.1. Seamus and Josephine Lennon and Others

- Individual submissions were made on the original planning application. A collective appeal is lodged. Given the scale of the operation and investment involved it is suggested the site will never revert to a greenfield site.
- There will be a significant visual impact on the residents given the size of the site area, the number of compounds and the heights of proposed structures. Photomontage viewpoints were selective. Site floodlighting will have a seriously detrimental effect on the appellants' properties and the rural landscape.
- Proposed working hours of 7am to 6pm for five years involving construction traffic, noise and floodlighting means there will be little respite. The applicants have previously breached permitted hours of work. Both Intel and the Council have been notified about this.
- There will be heavy construction traffic moving in and around the site. The local road the appellants live on, the L81206, was not included in the traffic impact study. This road is not suitable for through traffic though the volume of this has increased in line with the development of Intel. The increase in traffic will be such that it will be impossible for residents to safely enter and exit their houses.
- Queries are raised in relation to sewage treatment, the capacity of the existing surface water network to accommodate the additional surface water generated and impact on watercourses and the adjoining canal.
- Concern about impact on hedgerows and wildlife.
- Severe effect on the value of the appellants' properties.

- The appellants are sceptical that their genuine concerns may not be adequately addressed because of the political imperative to facilitate large multinationals and they may have to take the matter into a different arena to ensure these matters are fairly evaluated and dealt with.

6.1.2. Killross Properties Ltd.

- The Council did not require a masterplan for the application lands in accordance with the requirements and objectives of the Local Area Plan 2020-2023 on the basis it is a five-year temporary development. The purpose of the development is to facilitate construction at the main Intel campus which has a ten-year permission (the Intel extension). The only reference in the permitted development application in relation to the ten year duration is that, to make prudent provision for gradual commission, testing and adjustment it is expected that final works will continue potentially beyond the life of a normal five-year permission. It is unclear why a ten-year permission was required when an extension of duration could have been sought if necessary. Works at Intel could take up to 15 years theoretically while permission for the current application is stated as being for five years. The appellant considers it is highly unlikely the site will be vacated and restored in five years, that further permissions will likely be consented, and the appellant will be left in limbo waiting for Intel to engage with the applicant and the Council to prepare a masterplan. The appellant has made planning application and has been asked by way of further information to prepare a masterplan in circumstances where none of the other landowners have any interest in engaging with same. Where permission is granted the appellant will have no option but to take judicial review proceedings in order to vindicate its constitutional property rights, its rights to be treated in an equal manner and breach of fair procedures.
- Section 4.5 of the submitted NIS states that surface waters generated will drain through a full retention petrol interceptor and discharge to the surface water sewer along the R449. The NIS states that, although the exact pathway is not known, it is assumed that the R449 surface water drainage network discharges to the Rye Water. This 'unknown pathway' shows that the best possible scientific analysis of the drainage of the proposed development has not been

carried out. In addition, it has not been ascertained that this surface water pipe can accommodate the additional surface water volume.

- The development proposes the provision of storage of an unidentified and potentially unlimited quantity of diesel which, in the event of accidental spillage, has the potential to affect water quality in the Rye River Valley/Carton SAC and Dublin Bay SAC. The NIS is flawed and does not comply with the Habitats Directive or transposing regulations. The Appropriate Assessment was clearly carried out prior to consideration of the further information submission and no assessment was made by the planning authority of whether or not the proposed development would be likely to have significant impacts on relevant species or habitats.
- The development is not accompanied by an Environmental Impact Assessment Report (EIAR) and the Council has not carried out any assessment of the environmental impacts associated with the proposed development. Of particular concern are the cumulative environmental impacts associated with the multiple consents on the Intel lands. The various EIAs and EIARs prepared for the extension did not sufficiently address the impacts associated with the construction stage and none make reference to the requirement for a 15 hectares construction facility. The grant of permission is flawed and is clearly of no legal effect. Where permission is granted the appellant will have no option but to take judicial review proceedings in order to ensure that Community law is enforced. The appellant is concurrently making a complaint to the European Commission concerning the States non-adherence to Community law at the Intel site.
- Section 2.5.3 of the CREMP states approx. 20,000 cubic metres of excavated material will be stored in berms at the site perimeter. The site layout drawings do not show any details of where the excavated soil will be stored and do not provide any space for storage. The berm would need to be 800 metres long, five metres high and five metres wide. It is contended the material will be removed from site affirming the view that this is not a temporary development. The appellant queries where the approx. 90,000 cubic metres of hardcore surfacing will be removed to in the unlikely event of site remediation. The

appellant also queries the environmental effects of raising site levels by 600-900mm.

- No pre-application archaeological testing was carried out. Despite the recommendations of the AIA the Council did not require conditions requiring the carrying out of archaeological investigations, a geophysical survey or submission of any results to the Council or the National Monuments Service. 'Deep ripping' of the site by a bulldozer as part of site reinstatement disregards the archaeological investigations which should be carried out as it is an uncontrolled method of soil excavation.
- The application and the Council's assessment are flawed as it fails to take due consideration of the impact on protected species such as bats and badgers. Various reports accompanying the application are vague and contradictory.

6.2. Applicant's Response

The main points made can be summarised as follows:

- The proposed development was subject of a thorough examination by the applicant of all relevant planning issues and was also subject to a robust assessment by Kildare County Council. A number of conditions are of note in respect of the third party appeals. The applicant has not appealed any conditions and will fully comply with same. Appendices attached to the applicant's response are prepared by Arup Consulting Engineers and Scott Cawley Ltd. The two appeals are addressed separately.

The Lennon Appeal

- This appeal indicates concern about the expansion of the Intel facility and its encroachment on the countryside. This has been subject of the full rigours of the planning process and the expansion is in line with the guiding planning policy.
- The Planning Officer's report concludes that there will not be an undue visual impact having regard to its temporary nature and the zoning objective of the site.

- In relation to working hours, standard working hours are imposed by Condition 27 and staggering of construction staff finishing times is required by Condition 22 to reduce the extent of traffic movements at peak times. There are also noise and dust mitigation conditions.
- A Stage 1 Road Safety Audit concluded there would be no additional and/or adverse impacts on the road network surrounding the site and the Council is satisfied with the scope of the assessment. TII had no observations and the NRO commented that the proposed staggering of finishing times should be implemented and monitored, which is carried through in Condition No. 22.
- Site lighting is controlled by Condition No. 11, to be in accordance with the CREMP. A Site Lighting Plan was submitted.
- Arup Consulting Engineers state all foul water will be discharged to an on-site wastewater treatment works. Some treated water will be re-used for, e.g. toilet flushing, irrigation or dust suppression. Any treated water that cannot be re-used will be taken off site. Sludge will be removed approximately every six months.
- Arup Consulting Engineers state surface water can be considered as two separate systems. The main access road, bus/shuttle drop off, truck holding and logistics/maintenance yard will have a sealed surface and drained via a traditional gully/pipe/manhole system discharging to an existing public drain at a rate equal to the existing greenfield run-off rate and through a hydrocarbon interceptor. The site compounds and carparking will have an unbound crushed stone surface, 'feathered' to tie into existing ground levels within the site boundary. Ground investigation suggests poor infiltration rates and rainfall is likely to predominantly run off over land i.e. not percolate. To mimic the existing surface water regime as closely as possible the levels on site will be designed to maintain existing watersheds. The rate of runoff is not expected to increase as a result of the surfacing. To deal with smaller particles it is proposed to capture runoff from the compounds in a hard lined channel and convey it to a silt buster for removal of fine particles etc. prior to discharge to receiving watercourses.

- The EclA indicates there are no protected species under the Flora (Protection Order) 2015 on site. The predominant habitat is Improved Agricultural Grassland. Although there will be habitat loss, it will be temporary, with none of the habitats assessed to be greater than of local importance (higher value). There will be no loss of perimeter trees, treelines or hedgerows. Mitigation measures are proposed for bats, badgers and breeding birds.
- There is no basis for the contention that the value of property will be impacted given that the future development of these lands is contemplated by the LAP.

The Killross Appeal

- In relation to the application not being accompanied by a masterplan, the proposed development is for a temporary five year period for use as a contractor's car park and compounds and provides for its reinstatement on cessation of the temporary use. The Killross application (P.A. Reg. Ref. 20/399) proposes a permanent entrance and the planning authority is entirely correct to seek a masterplan. The application before the Board will not prejudice the preparation of a masterplan or the future delivery of infrastructure.
- Scott Cawley Ltd. states, in relation to the pathway between the R449 surface water network and the Rye Water, that though the exact pathway was not confirmed, it is Scott Cawley Ltd.'s view, and that of the applicant's engineer, that the surface water drainage will discharge to the Rye Water. The NIS took the precautionary principle approach/worst case scenario in assuming discharge to the Rye Water. Scott Cawley Ltd. states, in relation to the amount of fuel on site, that there will be 18,000 litres during operation and much less than this during construction. Regardless of volumes, in assessing potential impacts, the precautionary principle was adopted which considered a potential pollution event of sufficient magnitude to reach Dublin Bay waters. The NIS clearly sets out detailed mitigation measures during construction and operation and the applicant is required to install impermeable bunding capable of retaining a volume equal to 1.1 times the capacity of the largest tank. It is clear that sufficient mitigation will prevent any potential pollution event of sufficient magnitude reaching any European site. The allegation that the NIS is flawed is unfounded.

- Scott Cawley Ltd. states, in relation to the cumulative impacts on the environment, that the EclA fully assessed cumulative impacts.
- In relation to soil, Arup Consulting Engineers advise that movement of material is required to (i) achieve reasonable gradients for vehicle movements, working space etc. and, (ii) provide a reasonable base to construct roads. Strategies will be employed to minimise the extent of earthworks e.g. levels will mimic existing levels as closely as possible and stripping of topsoil will be limited to areas with a sealed surface. Cut material will be re-used as bulk filling or retained as berms. Remaining cut material will be taken off-site. Imported material will be removed off site by licenced contractors following the end of the projects' lifecycle.
- There is no difficulty with archaeological geophysical conditions being attached.
- Scott Cawley Ltd. advise that the EclA has fully assessed potential impacts on protected species. To clarify a discrepancy on Page 24 of the EclA, no tree felling is proposed. However, there may be an unforeseen event which requires the removal of a tree for health and safety reasons. Mitigation measures are provided to protect bats during vegetation clearance.

6.3. Planning Authority Response

- 6.3.1. Kildare County Council has no further comments to make. See planners report regarding residential amenities.

6.4. Observations

- 6.4.1. A single observation was received from Peter Sweetman & Associates, 113 Lower Rathmines Road, Dublin 6 and on behalf of Wild Irish Defence. The observation states that any grant of permission for the development without the carrying out of a full EIA would be contrary to the EIA Directive and to the unappealed judgement of the High Court in the case of O'Grianna & ors -v- An Bord Pleanála [2015] IEHC 248 (16 April 2015) and the Killross Properties Ltd. appeal is supported and endorsed.

6.5. Further Responses

Further responses were received from both appellants. The main additional points made can be summarised as follows:

6.5.1. Seamus and Josephine Lennon and Others

- The appellants have a big difficulty with the credibility of the assurances provided in respect of the development as the appellants' experience as neighbours is that conditions of previous permissions have not been adhered to e.g. working hours, noise and traffic levels of P.A. Reg. Ref. 16/1229.
- The Board is requested to ask the applicant to submit a more comprehensive and thorough set of photomontages having regard to visual impact on the appellants' properties.

6.5.2. Killross Properties Ltd.

- The applicant is relying on the purported temporary nature of the development to overcome the statutory objective of the LAP to provide a masterplan. The nature and extent of the development does not comply with the policies and objectives of the LAP regarding commercial and employment generating uses and as a result the development materially contravenes the objectives of the LAP. In 2019, Intel made submissions on the draft LAP, in relation to the site, requesting that the draft LAP be amended to allow temporary development to proceed without a requirement to produce a masterplan. This was rejected and the LAP was approved on the basis that all development at Collinstown, temporary or permanent, would require to be subject of an approved masterplan. That decision must be applied in this application.
- The objective of the LAP relating to these lands states the purpose of 'Q' zoning is solely to provide commercial and employment generating development within 'Collinstown Business Campus'. The use of the land for industrial purposes, for a builder's compound, for a car park and/or HGV parking are 'not permitted' in the LAP and, notwithstanding the absence of a masterplan, renders the proposed development non-compliant with LAP objectives. The uses sought would materially contravene the LAP.

- The applicant's response to the grounds of appeal completely ignored the grounds of appeal in relation to the requirement for EIA. It ignores that the application, which has been made on the basis that it is part of and in support of the development being carried out on the Intel campus, forms a sub-set of a larger set of planning applications made by Intel (P.A. Reg. Reg. 16/1229 and further modified) which was a development that required EIA and Appropriate Assessment. The proposed works are directly associated with the 2016 and subsequent applications. As those applications required EIA, this application requires EIA. The temporary nature of the development does not remove the requirement for EIA.
- The applicant accepts that it is not aware of the pathway of the surface water to the Rye Water SAC and therefore it is impossible to conclude beyond reasonable scientific certainty that there is no impact on the SAC. As such the only determination that can be made is that there is a lacuna as to the effects on the SAC and such lacuna cannot result in a positive determination. The examination of the impacts on SACs cannot be carried out to the best scientific standards possible if the surface water pathway is not known and it is not the appellant's or the Board's role to provide this pathway where one is known but not identified or assessed by the applicant. The unknown surface water pathway renders the analysis of the impacts arising uncertain and unascertained.
- The applicant's response states 18,000 litres of fuel, presumably diesel, will be stored on site. A site layout drawing indicates there is the potential for over 250,000 litres to be stored in circumstances where the potential cumulative impact of pollution events from even minor spillages could result in significant groundwater pollution. No scientific analysis of fuel storage or pathways for surface water runoff has been carried out. Given proximity to the canal and SAC the application must be refused based on a breach of Article 6 of the Habitats Directive.
- The applicant's response suggests soil storage and berms are matters for compliance. The appellant considers that the volume of soil will be such that it will have to be removed from the site. This is acknowledged in the applicant's response. This raises the question as to whether the site will be reinstated and

how it can be reinstated where the soil is removed and disposed of elsewhere. A minimum 89,000 cubic metres of imported material will be laid across the entire site with an additional 300mm on the road areas. Granular and silt pollution through surface water drainage has not been considered, in breach of the Habitats Directive.

- The 300 no. car parking spaces have not been considered in the context of EIA either as part of the 2019 permission or the original parking provision under the 2016 permission. The 300 no. space car park will only cater for some construction staff. Similar off-site car parking facilities e.g. at Baldonell, are being provided to facilitate thousands of workers with daily bus movements to/from Intel. These construction staff parking sites have not been referred to or taken into consideration for EIA. Taken cumulatively, these exceed the mandatory 400 no. car parking space threshold. This amounts to project splitting to avoid an EIA. Notwithstanding, this is a category of development which requires mandatory EIA under Schedule 5 Part 2 Item 10 (a), Item (b)(ii) and Item (b)(iv) of the Planning & Development Regulations. The development, alone and in conjunction with the associated Intel development, meets the definition of 'urban development' for which EIA is required. It is on a site which meets the definition of a 'business district'. It provides some car parking for Intel where the total number of spaces exceeds 400, which triggers a requirement for EIA. It is just 0.05 hectares below the 15 hectares threshold for industrial development projects which requires EIA.

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Zoning/Masterplan
- Impact on Residential Amenity
- Ecology, Trees and Construction Practices
- Transport

- Archaeology
- EIA

This assessment should be read in conjunction with the sections relating to EIA Screening (Section 5.4) and Appropriate Assessment (Section 8.0).

7.1. Zoning/Masterplan

- 7.1.1. The zoning of the site and requirement for a masterplan is a significant issue raised in the grounds of appeal. The Killross appeal considers that the 'purported' temporary nature of the development does not overcome the objective of the Leixlip Local Area Plan 2020-2023 (LAP) to prepare a masterplan, the nature and extent of the development does not comply with the zoning objective for commercial and employment generating uses and the proposed land use is not supported in the zoning matrix. The appellant considers that permitting the development would materially contravene the LAP.
- 7.1.2. In the LAP, the site is part of a larger area zoned 'Q: Enterprise and Employment' with a zoning objective 'To provide for and facilitate the provision of high job-generating uses'. The most relevant section of the LAP is Section 12.6 (Key Development Areas, Confey and Collinstown – Collinstown Strategic Employment Lands). The vision for the area is 'a high-quality, attractive and sustainable business campus environment ... which also facilitates the efficient functioning of business and enterprise activities within this zone...' Objective COL1.1 requires preparation of a masterplan developed in conjunction with relevant traffic and transport assessments. The objective states that 'Individual applications for smaller sections of these lands will not be considered until such time as a single masterplan has been prepared and agreed in writing with the Planning Department of Kildare County Council'. Section 12.6.4 (Future Development) also states that individual applications for smaller sections of the overall lands will not be considered until an overall Design Framework has been agreed in writing with the Planning Authority.
- 7.1.3. In the Land Use Zoning Matrix, Table 13.1 of the LAP indicates that light industry and a park and ride facility are open for consideration. Uses that are not permitted in the zoning matrix include heavy commercial vehicle park, general industry and warehouse store/depot.

- 7.1.4. The core issue is whether the proposed temporary development can take place in the absence of a masterplan and whether the development is acceptable at this location. Though the County Council sought further information it did not require submission of a masterplan as part of that request. The planning authority's Planning Report considered that the temporary nature of the proposed development, with a proposal to reinstate the lands on completion, and the indicative time frame for phased delivery of infrastructure in the LAP which is longer than the life of the LAP itself, would not prejudice or preclude the orderly progression of masterplanning of the strategic employment lands.
- 7.1.5. The Killross appeal points out that further information has been sought in its planning application, P.A. Reg. Ref. 20/399, requesting, inter alia, a masterplan as required by COL1.1 of the LAP. I note that P.A. Reg. Ref. 20/399 proposes modifications to the existing entrance and the existing footpath and cycle lane to the western side of the R449 to provide a new left-in left-out vehicular access to an internal access road and junctions to facilitate the future development of 'Collinstown Business Campus' together with public lighting, landscaping and associated services. I consider that the appellant's application is fundamentally different from the application subject of this appeal because this application is for a temporary development and it is proposed to reinstate the site upon completion. The planning application must be assessed on the basis of what is being applied for.
- 7.1.6. I do not consider that the temporary use of the site for site compounds for off-site assembly of, for example, trusses, and associated contractor car parking to support permitted construction works at Intel would have an undue adverse impact on the zoning objective of the area. The LAP considers that light industry is open for consideration at this location. The zoning objective is to provide for and facilitate the provision of high job-generating uses and the proposed development would not be inconsistent with this.
- 7.1.7. I concur with the County Council in that I do not consider that the proposed development would prejudice the longer term development of an appropriately laid out business campus. I do not consider that the development significantly militates against the preparation of a masterplan developed in conjunction with relevant traffic and transport assessments. A five-year permission has been sought. Any further

application that may be sought would be considered on the circumstances pertaining at that time.

- 7.1.8. In conclusion, I consider that the proposed use of the site on a temporary basis would not materially contravene the zoning matrix of the LAP and the development would not be inconsistent with the zoning objective of the site. In addition, I do not consider that the temporary permission would ultimately prejudice or preclude the development of a business campus at this location in accordance with the LAP.

7.2. Impact on Residential Amenity

- 7.2.1. The grounds of appeal from Seamus and Josephine Lennon and others makes reference to the impact of the proposed development on residential amenity in the vicinity, specifically to the west and south west.
- 7.2.2. There is a distance of approx. 230 metres between the site boundary and the closest residential curtilage to the west. In addition to the distances there are generally three separate tree-lined field boundaries between the houses and the site. The appellants are not satisfied with the photomontages provided during the planning application. I consider that the viewpoints in the photomontages submitted to the Council as further information are reasonable. The proposed development is generally at surface level or is relatively low rise. While much higher, the cranes are narrow in profile. I do not consider that the visual impact of the proposed development, which is for a temporary period and on land zoned for a business campus, can be considered to be so adverse that a refusal of permission would be reasonable.
- 7.2.3. Issues of site lighting, working hours and general noise and disturbance during the construction and operation of the site is referenced. A Site Lighting Layout was submitted with the application. This shows lux levels on site and outside the site. I do not consider these light levels to be excessive. The Layout notes, inter alia, that luminaires shall be controlled via time clock and photocell, lighting that meets the lowest levels permitted under health and safety will be installed and light will be directed to where it is needed. Final detail can be agreed as compliance. I consider there will be no light nuisance to residential property. Working hours can be controlled by condition. The appellants state working hours and noise conditions have been previously breached. Enforcement of these conditions is a matter for the County Council. To reduce pressure on the road network, the NRO recommended staggering

finishing times for construction staff. This was included as Condition 22 of the Council decision. I consider this condition is reasonable.

- 7.2.4. I note the concerns raised in respect of the devaluation of property. However, having regard to the temporary nature of the proposed development, the zoning objective of the site and the distances to the site, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the property in the vicinity.
- 7.2.5. Having regard to the foregoing, I do not consider that the proposed development, by way of visual impact, lighting, general nuisance and devaluation of property would have such an impact on the residential amenity of the area that permission should be refused.

7.3. Ecology, Trees and Construction Practices

- 7.3.1. Issues have been raised in relation to tree and hedgerow loss, flora and fauna and the general rural and open nature of the area. The planning application included a number of various documents and drawings in this regard.

Ecological Impact Assessment (EclA)

- 7.3.2. The site was surveyed in May and June 2019 during the optimal and appropriate seasons for species of concern. The EclA considers that the Zone of Influence (Zoi) of general construction activities, the distance over which a likely significant effect may occur, is not likely to extend more than a hundred metres as there is no major invasive works proposed. The hydrological Zoi extends beyond the site, ultimately to Dublin Bay, through surface water and groundwater. The Royal Canal pNHA is separated from the northern boundary of the site by a railway line.
- 7.3.3. No species protected under the Flora (Protection) Order 2015 were recorded on site during the biodiversity surveys. The National Biodiversity Data Centre database returned records for four non-native invasive plant species and three non-native fauna species in the 2km radius search area. None of these species were recorded during surveys. The majority of the site is improved agricultural grassland considered to be of local importance (low value). Drainage ditches, treelines and hedgerows are assessed as being of local importance (higher value).

- 7.3.4. Three bat species were recorded on site with activity largely attributable to foraging along treelines and hedgerows. The bat population is assessed as being of local importance (higher value). One badger breeding sett was confirmed along the northern boundary. The badger population is also assessed as being of local importance (higher value). Red fox and European rabbit, neither protected, were also recorded. 25 no. bird species were recorded, assessed as being of local importance (higher value). Though there is suitable habitat for pygmy shrew, hedgehog and common frog, all protected species, none were recorded.
- 7.3.5. The potential impacts of the development on designated areas for nature conservation that lie within the ZOI are primarily the risk of accidental pollution during construction or operation affecting groundwater or surface water quality at the Rye Water Valley/Cartron SAC, the Natura 2000 sites associated with Dublin Bay, the pNHAs at Rye Water Valley/Cartron and Royal Canal as other pNHAs downstream in the River Liffey which the Rye Water discharges into. Because of its proximity, other impacts on the Royal Canal pNHA include some disturbance from light impact and habitat degradation from dust.
- 7.3.6. The EclA states that habitat loss will be temporary because of the development's life. The majority of the habitat loss is improved agricultural grassland valued at local biodiversity importance (lower value). Section 5.2 of the EclA contains an error in relation to the number of trees to be removed. The applicant has clarified this in the response to the grounds of appeal stating that no trees will be removed other than an unforeseen event which requires the removal of a tree for health and safety reasons. No hedgerows will be removed. Trees and hedgerows have been buffered by a minimum of 10 metres.
- 7.3.7. The EclA contains a number of proposed mitigation measures relating to minimising habitat loss and to reduce the potential for impacts on vegetation to be retained, measures to protect surface water and groundwater quality during construction and operation, measures to protect bats during vegetation clearance, measures to control and reduce light spill, measures to protect badgers (including a 50 metres buffer around the breeding sett) and measures to protect breeding birds during construction. The EclA considers that significant negative effects cumulatively with other developments on biodiversity are not predicted and no likely significant residual effects on biodiversity are predicted.

Tree Survey & Planning Report

7.3.8. A tree survey layout plan was submitted with the written report. The survey was carried out in May 2019. 112 no. trees were assessed: 0 no. Category A trees (high value), 53 Category B (moderate value), 52 no. Category C (low value) and 7 no. Category U (unsuitable for long term retention). Nine hedgerows were recorded. The submitted Tree Protection Plan (Drawing No. 19020_TPP_Overview) identifies three trees within the site itself to be removed, consistent with the content of Section 5.2 (Habitat Loss) of the EclA, which has been contradicted by the clarification received as part of the applicant's response to the grounds of appeal. Though the removal of these three trees, and a limited length of hedgerow, would have limited impact in the context of the overall development, there remains a discrepancy in the submitted documentation that should be addressed. It is considered this can be addressed by way of condition. The document considers that the compound fencing will create a solid protective barrier between the compounds and car park and surrounding hedgerows and trees ensuring 'that the overall arboricultural impact of the proposed development should be very low'. A landscape masterplan drawing for the area of the site adjacent to the R449 and an Outline Landscape Specification for Softworks document have also been submitted.

Construction & Reinstatement Environmental Management Plan (CREMP)

7.3.9. The works sequence stages are set out (enabling works – installation of services, surfaces and structures (taking approx. three to four months in total to operational stage) – decommissioning works (after the four year planned period of use) – reinstatement works (taking approx. three to four months)). The CREMP states that an accurate topographical survey will be carried out before topsoil stripping to facilitate reinstatement. A geotextile membrane is to be placed throughout the whole site area to mitigate against settlement into the topsoil and it will also assist in remediating the site as there will be a defined layer between original and imported material. Approx. 20,000 cubic metres of excavated material will be stored on site in perimeter berms outside root protection areas. The levelling will achieve a relatively flat surface within each compound area. Fuel storage is an issue raised in the Killross appeal. The CREMP states that the main diesel fuel store area will be the logistics and maintenance yard. Each compound has the allowance for a self-contained diesel fuel store area. Each bund is designed to 110% of the tank capacity enclosed with a roof

to mitigate rain water building up within it. Any liquid within the bund will be pumped out and tankered off site. Environmental undertakings/mitigation measures are set out in Section 4 (Environmental Strategy) of the CREMP relating to biodiversity, soils, hydrology and hydrogeology, noise and vibration, traffic and transportation, waste management and archaeology. A Dust Management Plan, a Construction Noise Management Plan, a Construction and Demolition Waste Management Plan and a Pest Control Management Plan are attached as appendices.

Conclusion

7.3.10. Having regard to the content of the EclA and CREMP and the relevant mitigation measures proposed within those documents, the report from the Council's Heritage Officer which indicated no objection, the temporary duration of the development and proposal to reinstate the site upon completion and the zoned status of the site in the LAP, I consider that the development would be acceptable having regard to ecology, trees and general construction practices.

7.4. Transport

7.4.1. The Lennon grounds of appeal references the extent of traffic generation as a result of the development. I consider that the proposed development, in itself, is not the primary generator of the traffic, rather the permitted development(s) at Intel are the primary generator of the traffic and the proposed development supports and serves the permitted development(s). The initial Killross Properties Ltd. submission to the County Council on the planning application makes reference to its application for an entrance to the zoned lands north of the access proposed under the current planning application. I do not consider there is a concern in this regard as the access subject of this appeal is a temporary access directly into land under Intel's control and would not prejudice the provision of a more suitable, permanent entrance to the future Collinstown Business Campus elsewhere.

7.4.2. A Transport Assessment was submitted with the application. It states that there is likely to be approx. 6,000 workers at peak construction activity, likely to be six months over a four year build programme. The compound will be used to manage the delivery of construction material on site and also cater for some ancillary parking for construction workers at the site. 495 no. staff are expected to be based at the compound. There will be a shuttle bus providing a connection with the main construction site.

- 7.4.3. The Assessment considers that most junctions in the vicinity have sufficient capacity but there is potential for the roundabouts both north and south of the proposed access to approach capacity where there is intense excavation activity from the site in parallel with peak construction activity at Intel. This is considered to be manageable through Construction Traffic Management Plans and staggering construction staff finishing times. Mitigation measures proposed are to extend the Construction Stage Mobility Management Plan to include the subject site and expand the current construction stage traffic monitoring programme which monitors queuing on the local road network. The Assessment considers that during peak operation at the site there will be a modest temporary increase in traffic on the receiving road environment resulting in a moderate impact.
- 7.4.4. TII had no observations to make on the planning application. The NRO recommended that finishing times for construction staff should be staggered. The Council's Transportation Section indicated no objection subject to conditions.
- 7.4.5. I consider that the proposed development is acceptable in terms of traffic impact, subject to certain conditions such as the proposed mitigation measures and other conditions as recommended by the Council's Transportation Section.

7.5. Archaeology

- 7.5.1. An Archaeological Impact Assessment (AIA) was submitted with the application and reference is made to archaeology in the Killross Properties Ltd. appeal.
- 7.5.2. No recorded monuments are located within the development site boundary though there are a number in the wider landscape. The sub-surface archaeological potential of the area is considered to be high. Field inspection was undertaken in May 2019 by way of visual examination. A possible enclosure (a circular area defined by a low earthen bank) was noted in the north east corner of the north western field. It is not possible to classify the possible monument without some investigation. The Assessment states that the presence of archaeological monuments within close proximity to the site and in particular the circumstances of their discovery, during topsoil removal, increases the overall archaeological potential of the development. Direct impacts on archaeology would arise from machine excavation or disturbance to the topsoil where sub-surface features are present. As mitigation, a 15 metres buffer zone from the outermost identifiable enclosing bank of the possible enclosure, as

established by an on-site archaeologist will be provided, delineated with solid fencing for the duration of operation. Additional mitigation measures are proposed elsewhere on site where there may be potential unknown sub-surface features e.g. an archaeological geophysical survey of the site prior to groundworks or enabling works which would identify any potential archaeological features in a non-invasive manner and archaeological testing targeting any geophysical anomalies by way of test trenches. All topsoil removal, excavation works and trench excavation will be monitored.

7.5.3. Concern is raised in the Killross appeal in relation to the deep ripping of the site by a bulldozer as part of site reinstatement. This is not referenced in the AIA. Notwithstanding, the Assessment states that sub-surface archaeological features typically occur just under the topsoil or at the interface between topsoil and the 'natural' soil. Given the mitigation measures proposed where there may be potential unknown sub-surface features, I consider that any features that may exist are likely to be identified at the construction stage.

7.5.4. Having regard to the foregoing, I consider the proposed development to be acceptable in terms of archaeology.

7.6. EIA

7.6.1. In its submitted Planning Report, the applicant considers the proposed development does not fall within any of the categories of development specified in the Planning & Development Regulations, 2001 (as amended). Killross Properties Ltd. considers the development is of a category that requires mandatory EIA, and also of concern are the cumulative environmental impacts with the consents at Intel. The observation received on the grounds of appeal considers that any grant of permission for the development without the carrying out of a full EIA would be contrary to the EIA Directive.

7.6.2. Schedule 5 of the Planning & Development Regulations, 2001 (as amended) sets out development for the purposes of Part 10 (EIA). Development of a class included in Part 1 requires mandatory EIA. Development of a class included in Part 2 is subject to thresholds and may require EIA. Killross Properties Ltd. considers the development is of a type or class set out in Part 2 (10 - Infrastructure projects) (a) and (b)(ii) and (iv). I do not concur for the following reasons:

- 10(a) – Industrial estate development projects, where the area would exceed 15 hectares – The proposed development is for site compounds for off-site assembly of certain structures/construction components and associated contractor car parking to support permitted construction works at Intel. The applicant does not consider it to be an industrial estate as it is to be operated by a single company and for a single purpose rather than by a number of separate companies as would be the case in an industrial estate development. I do not consider the development can be considered to be an industrial estate as envisaged in the Regulations and therefore I do not consider that it falls within this class.
- 10(b)(ii) – Construction of a car-park providing more than 400 spaces, other than a car park provided as part of, and incidental to the primary purpose of, a development – There are 300 no. car park spaces proposed on site. I consider the car park is incidental to the primary purpose of the development which is a construction compound to support the construction of the Intel extension. Therefore, I do not consider that the proposed development falls within this class. It is not relevant, therefore, to consider the car park in conjunction with park and ride facilities for construction staff at, for example, Baldonnell, as referenced in the Killross documentation.
- 10(b)(iv) – Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere – The proposed development is a construction compound only. Such development can be required for a very wide range of development types and they are not, in themselves, urban in nature. I do not consider, therefore, that the proposed development falls within this class.

7.6.3. I also do not consider that Part 2 (13 - Changes, extensions, development and testing)(a) is applicable. The development would not result in any change or extension of development already authorised, executed. The development would support the Intel extension. It would not change or extend that development.

7.6.4. The observation received from Peter Sweetman and on behalf of Wild Irish Defence (single observation) states that any grant of permission for the development without the carrying out of a full EIA would be contrary to the EIA Directive and to the unappealed judgement of the High Court in the case of O’Grianna & ors -v- An Bord Pleanála [2015] IEHC 248 (16 April 2015). As the proposed development is not a class

of development for the purposes of EIA, I do not consider the O’Grianna judgement to be relevant.

- 7.6.5. While the development is a relatively significant development in itself, it is a construction compound, an ancillary feature of many developments of scale. Having regard to the foregoing, I do not consider the proposed development to be of a class subject to Schedule 5 and, therefore, EIA is not required.

8.0 Appropriate Assessment (AA)

Compliance with Article 6(3) of Habitats Directive

- 8.1. The requirements of Article 6(3) of the Habitats Directive, as related to screening the need for appropriate assessment of a project under Part XAB, Section 177U of the Planning and Development Act, 2000 (as amended) are considered fully in this section.

Background to the Application

- 8.2. The applicant has submitted a screening report for AA as part of the planning application. This report is titled ‘Appropriate Assessment Screening Report for Pre-Assembly compounds at Collinstown, Leixlip, Co. Kildare’, prepared by Scott Cawley Ltd. (December 2019).
- 8.3. The Stage 1 AA Screening Report contains information required for the competent authority to undertake a screening for AA. It provides information on, and assesses the potential for, the proposed development to impact on the Natura 2000 network within a possible Zone of Influence (Zoi). The Screening Report has been prepared with regard to relevant guidance documents. The application was accompanied by, inter alia, an Ecological Impact Assessment (EclA) and a Construction & Reinstatement Environmental Management Plan (CREMP).
- 8.4. The AA Screening Report concluded that ‘Following an examination, analysis and evaluation of the relevant information, including in particular, the nature of the project and its potential relationship with European sites and their conservation objectives, as well as considering other plans and projects, and applying the precautionary principle, it is the professional opinion of the authors of this report that there is the potential for

likely significant effects on the following European sites, for the reasons set out ... Rye Water Valley/Carton SAC, North Dublin Bay SAC, South Dublin Bay SAC, North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA. Therefore, it is the professional opinion of the authors of this report that the application for consent for the proposed development requires an Appropriate Assessment and the preparation of a Natura Impact Statement (NIS)'.

- 8.5. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.
- 8.6. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development would have any possible interaction that would be likely to have significant effects on a European Site(s).

Brief Description of the Development

- 8.7. The applicant provides a description of the project on Pages 4-5 of the Screening Report. The five-year temporary development will consist of the provision of a temporary contractors' car park and constructors' compound(s) associated with the development of the extension to Intel. In summary, the development comprises:

- Modifications to existing site entrance, footpath and cycle lane
- Maximum 300 no. space car park
- Approx. 14 no. compounds from 1,500sqm to 10,500sqm in area
- Site accommodation e.g. canteen and welfare, security, toilets, bus shelter etc.
- Temporary de-crating building and manoeuvring and operational space, logistics and maintenance yard, truck holding compound, lighting, fencing etc.

It is also proposed to reinstate the site at the end of the temporary duration of the proposed development as set out in the CREMP.

- 8.8. Taking account of the characteristics of the proposed development in terms of its location and scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European Sites:

- Habitat loss and fragmentation
- Habitat degradation as a result of hydrological impacts
- Habitat degradation as a result of hydrogeological impacts
- Habitat degradation as a result of introducing/spreading non-native invasive species
- Habitat degradation as a result of air quality impacts
- Disturbance and displacement impacts

Submissions and Observations

8.9. No relevant report has been received from prescribed bodies. The Council’s Heritage Officer indicated no objection. Correspondence on the application from Peter Sweetman and on behalf of Wild Irish Defence, and Killross Properties Ltd., raise issues with regard to AA.

European Sites

8.10. The development site is not located in or immediately adjacent to a European site. The closest European site is Rye Water Valley/Carton SAC approx. 670 metres to the north. The next closest Natura 2000 site is Glenasmole Valley SAC approx. 16km to the south east. Though the Natura 2000 sites in Dublin Bay, as set out in the following table, are further away, the Rye Water is a tributary of the River Liffey which discharges to Dublin Bay.

8.11. The European Sites that occur within the possible zone of influence of the development are presented in the table below. Having regard to the scale of the proposed development; the separation distances involved; and the absence of identified pathways; I do not consider that any other European Sites fall within the possible zone of influence.

Summary of European Sites within a possible zone of influence of the development

European site (code)	List of qualifying interest/special conservation interest	Distance from proposed	Connections (source,	Considered further in screening?

		develop- ment (km)	pathway, receptor)	
Rye Water Valley / Carton SAC 001398	Petrifying springs with tufa formation [7220] Narrow-mouthed whorl snail [1014] Desmoulin's Whorl snail [1016]	0.67	Indirect hydrological and hydrogeologic- al connection	Yes
South Dublin Bay SAC 000210	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	Approx. 25	Indirect hydrological and hydrogeologic- al connection	Yes
North Dublin Bay SAC 000206	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330]	Approx. 25	Indirect hydrological and hydrogeologic- al connection	Yes

	<p>Mediterranean salt meadows [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalworth) [1395]</p>			
<p>South Dublin Bay and River Tolka Estuary SPA 004024</p>	<p>Light-bellied Brent Goose [A046]</p> <p>Oystercatcher [A130]</p> <p>Ringed Plover [A137]</p> <p>Grey Plover [A141]</p> <p>Knot [A143]</p> <p>Sanderling [A144]</p> <p>Dunlin [A149]</p> <p>Bar-tailed Godwit [A157]</p> <p>Redshank [A162]</p> <p>Black-headed Gull [A179]</p>	Approx. 25	Indirect Hydrological and hydrogeological connection	Yes

QUASHED

DECISION

	Roseate Tern [A192] Common Tern [A193] Arctic Tern [A194] Wetland and Waterbirds [A999]			
North Bull Island SPA 004006	Light-bellied Brent Goose [A046] Shelduck [A048] Teal [A052] Pintail [A054] Shoveler [A056] Oystercatcher [A130] Golden Plover [A140] Grey Plover [A141] Knot [A143] Sanderling [A144] Dunlin [A149] Black-tailed Godwit [A156] Baird-tailed Godwit [A157] Curlew [A160] Redshank [A162] Turnstone [A169] Black-headed Gull [A179]	Approx. 25	Indirect hydrological and hydrogeologic- al connection	Yes

	Wetland and Waterbirds [A999]			
--	-------------------------------	--	--	--

Identification of Likely Significant Effects

- 8.12 There are no natural watercourses within the proposed development boundary. However, there is hydrological connectivity between the proposed development site and the Rye Water. The Rye Water is approx. 690 metres north of the site. The Rye Water joins the River Liffey approx. 1.9km downstream in Leixlip and the Liffey in turn drains to Dublin Bay in excess of 20km further downstream. Surface waters generated by hardstanding areas will discharge to a surface water sewer along the R449. Though the exact pathway is not known it is assumed this sewer discharges to the Rye Water, therefore surface waters arising will discharge to the Rye Water. In a flood event, surface water would flow overground to drainage ditches which would ultimately discharge to the Rye Water. An accidental pollution event during construction or operation has the potential to affect water quality and habitat in the Rye Water and downstream in Dublin Bay as a result of contaminated surface water if of sufficient magnitude.
- 8.13 The Rye Water is located to the north of, and downgradient of, the development site. Groundwater is predicted to migrate within the underlying bedrock aquifer ultimately to the Rye Water (based on information provided in the EIAR of the granted development under P.A. Reg. Ref 19/91 and ABP Reg. Ref. PL 09.248582). The hydrogeological regime contributes to, and supports, the wetlands habitats and petrifying springs habitat in the Rye Water. An accidental pollution event during construction or operation has the potential to affect groundwater quality locally and any groundwater dependant habitat downgradient in the Rye Water Valley/Carton SAC.
- 8.14 Of the other issues considered for examination in terms of implications for likely significant effects as identified in Section 8.8:
- There will be no habitat loss or fragmentation given the development site does not overlap with the boundary of any European site.
 - There were no non-native invasive species recorded within the site. There is no risk that non-native invasive species could be spread or introduced to the Rye Water

Valley/Carlton SAC as the site is approx. 670 metres away and separated by the railway line, Royal Canal, Regional Road and the Intel campus.

- Air quality impact is limited to dust generation. The majority of this dust will occur within 50 metres of the works. Considering the distance to the Rye Water Valley/Carlton SAC, there will be no risk of air quality impacts.
- Construction-related disturbance and displacement could potentially occur in the close vicinity of the site. However, qualifying interests at the Rye Water Valley/Carlton SAC are not at risk.

Mitigation Measures

- 8.14 No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

- 8.15 **Significant effects cannot be excluded, and AA required.**

The proposed development was considered in light of the requirements of Section 177U of the Planning & Development Act, 2000 (as amended). Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site Nos. 001398, 000210, 000206, 004024 and 004006, in view of the sites' Conservation Objectives, an AA (and submission of a NIS) is therefore required.

Appropriate Assessment (AA)

- 8.16 The requirements of Article 6(3) as related to appropriate assessment of a project under Part XAB, sections 177U and 177V of the Planning & Development Act, 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for AA
- The Natura Impact Statement and associated documents
- AA of implications of the proposed development on the integrity of each European site.

Compliance with Article 6(3) of the EU Habitats Directive

- 8.17. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.
- 8.18. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

Screening Determination

- 8.19. Following the screening process, it has been determined that AA is required as it cannot be excluded on the basis of objective information that the proposed development of the provision of a temporary contractors' car park and constructors' compound(s) associated with the development of the extension to Intel, individually or in combination with other plans or projects, will have a significant effect on the following European sites i.e. there is the *possibility* of significant effect:

- Rye Water Valley / Carton SAC 001398
- South Dublin Bay SAC 000210
- North Dublin Bay SAC 000206
- South Dublin Bay and River Tolka Estuary SPA 004024
- North Bull Island SPA 004006

Natura Impact Statement (NIS)

- 8.20. The application included a 'Natura Impact Statement Provision of Information for Appropriate Assessment for Pre-Assembly compounds at Collinstown, Leixlip, Co. Kildare' prepared by Scott Cawley Ltd. (December 2019) which examines and assesses potential adverse effects of the proposed development on the five specified European sites.

- 8.21. A desktop study was undertaken, and a habitat survey of the lands and environs was carried out in May 2019, to inform the NIS. The NIS was prepared in accordance with the provisions of Part XAB of the Planning & Development Act, 2000 (as amended) and in accordance with the requirements of Council Directive 92/43/EEC. It considers the implications of the proposed development, on its own and in combination with other plans or projects, for European sites in view of the conservation objectives of those sites. It includes a scientific examination of evidence and data to identify and assess the implications of the proposed development for any European sites in view of the conservation objectives for those sites. Mitigation measures are considered in reaching a conclusion. The purpose of the NIS is to provide an examination, analysis and evaluation of the potential impacts and to present findings and conclusions in light of the best scientific knowledge in the field.
- 8.22. The conclusion of the NIS states 'It has been objectively concluded by Scott Cawley Ltd., following an examination, analysis and evaluation of the relevant information, including in particular the nature of the predicted impacts from the proposed development, that the proposed development will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects, and there is no reasonable scientific doubt in relation to this conclusion'.
- 8.23. The Killross grounds of appeal notes the absence of certainty in Section 4.5 (Hydrology) of the NIS where it is stated that the exact pathway of the surface water sewer along the R449 to the Rye Water is not known. The appeal considers this shows that the best possible scientific analysis of the drainage has not been carried out. Additionally, capacity in the surface water system has not been analysed. Further, the grounds of appeal refer to the absence of certainty in the amount of fuel to be stored on site having regard to an accidental pollution event. The Killross grounds of appeal consider the NIS is flawed.
- 8.24. The applicant's response to the grounds of appeal contains, inter alia, a response to these issues prepared by Scott Cawley Ltd. Scott Cawley Ltd. and the applicant's engineer are of the view that surface water will discharge to the Rye Water. This accords with the precautionary principle. The Rye Water, and those downstream in Dublin Bay, are the only sites that could be at risk from a surface water pollution event and a worst case scenario was assumed. A maximum 18,000 litres of fuel will be

stored on site according to the applicant's response but, regardless of volumes, a potential pollution event of sufficient magnitude to reach Dublin Bay was considered in the NIS, again applying the precautionary principle. A robust mitigation strategy has been included in the NIS to ensure that any pollution event or risk of spillage of stored fuels would not have significant effects. The allegation that the NIS is flawed is considered by Scott Cawley Ltd. to be unfounded.

8.25. In relation to the surface water pathway, I consider that the assumption in the NIS that the surface water will discharge to the Rye Water is consistent with the precautionary principle. I also accept the applicant's point that the specific amount of fuel to be stored is not the critical issue, but that a pollution event of sufficient impact to affect the Natura 2000 sites has been considered.

8.26. In its further response, Killross Properties Ltd. considers there remains a lacuna in information in relation to the surface water discharge and disputes the 18,000 litres of fuel figure. The further response then references the effects of granular and silt pollution to groundwater from imported material. Notwithstanding, no evidence has been submitted to support the likelihood of this type of polluting event occurring.

8.27. Having reviewed the documents and submissions I am satisfied that the information allows for a complete assessment of the following European sites alone, or in combination with other plans and projects:

- Rye Water Valley / Carton SAC 001398
- South Dublin Bay SAC 000210
- North Dublin Bay SAC 000206
- South Dublin Bay and River Tolka Estuary SPA 004024
- North Bull Island SPA 004006

Appropriate Assessment of Implications of the Proposed Development

8.28. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed. Guidance adhered to in the assessment includes: Assessment of Plans and Projects Significantly Affecting Natura

2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission, 2001), Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (European Commission, 2019), Communication from the Commission on the Precautionary Principle (European Commission, 2000) and Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (Department of Environment, Heritage and Local Government 2010 revision).

European Sites

- 8.29. There are five sites subject to AA. A description of these sites and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS, and summarised in Section 8.11 of this report as part of my assessment.
- 8.30. The main aspects of the proposed development that could adversely affect the conservation objectives of the European sites:
- An accidental pollution event during construction or operation has the potential to affect water quality in the Rye Water and downstream in Dublin Bay as a result of contaminated surface water if of sufficient magnitude.
 - An accidental pollution event during construction or operation has the potential to affect groundwater quality locally and any groundwater dependant habitat downgradient in the Rye Water Valley/Carton SAC.
- 8.31. Rye Water Valley/Carton SAC – The development has the potential to affect this SAC by way of polluting events by way of both surface water and groundwater. The Conservation Objective is to restore the favourable conservation condition of the petrifying springs with tufa formation habitat and the two snail species for which the site is designated. Groundwater levels or groundwater flows will not be affected by the development, rather it is the risk of an accidental pollution event that could affect groundwater and surface water quality and therefore both the habitat and species.
- 8.32. Mitigation measures are set out in Section 6.1.5 of the NIS which, the NIS states, are in addition to the extensive and stringent environmental control measures that have been incorporated into the development design. They include measures to protect surface water quality during construction and operation (e.g. control of run-off, emergency response to accidental spillages, sanitary effluent disposed of off-site and

monitoring of surface water drainage from truck holding and fuel storage areas and associated petrol interceptors) and measures to protect groundwater during construction and operation (e.g. fuel storage, soil removal and management of stockpiles, emergency response to accidental spillages and monitoring of discharge to ground). The mitigation measures will ensure that groundwater and surface water quality in the receiving environment is protected during construction and operation of the proposed development.

- 8.33. Section 7.1 and Appendix A (Proposed, Pending and Permitted Developments Considered in the 'In Combination' Assessment) of the NIS identifies other potential pollution sources that could cumulatively affect water quality in the receiving environment including developments at Intel, the re-alignment of the R148, Irish Water development, a solar farm, gas pipeline relocation, 220kV transmission lines and housing developments to the south east. (I note the NIS was prepared before the Killross application, P.A. Reg. Ref. 20/399. However, I do not consider that proposed development would have any material impact on the 'in combination' effects further to those developments considered by the NIS). The NIS considers that, as the proposed development itself will not have any effects on the conservation objectives of any European sites, and considering the protective environmental policies and objectives in the Kildare County Development Plan 2017-2023 and the Leixlip Local Area Plan 2017-2023 and more widely across all of the other land use plans that seek to protect surface water quality in the catchments that drain to Dublin Bay, there is no potential for any other plan or project to adversely affect the integrity of any European sites in combination with the proposed development. (The LAP is the 2020-2023 LAP. It was adopted on 16.12.2019, the day before the NIS was issued. Notwithstanding, I consider the point being made in this section remains relevant).
- 8.34. Following the AA and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Rye Water Valley/Carton SAC in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.
- 8.35. **South Dublin Bay SAC** – The development has the potential to affect the mudflats and sandflats, annual vegetation of drift lines and Salicornia and other annuals associated with this SAC by way of an accidental surface water pollution event of

sufficient magnitude that could potentially affect the quality and distribution of the intertidal/coastal habitats and the fauna communities they support. The embryonic shifting dunes will not be affected as they are above the high tide line.

- 8.36. Mitigation measures are set out in Section 6.2.4 of the NIS which, according to the NIS, are in addition to the extensive and stringent environmental control measures that have been incorporated into the development design. They include measures to protect surface water quality during construction and operation (e.g. control of surface water run-off, fuel storage, emergency response to accidental spillages, sanitary effluent disposed of off-site and monitoring of surface water drainage from truck holding and fuel storage areas and associated petrol interceptors). The mitigation measures will ensure that the surface water quality in the Rye Water, River Liffey and Dublin Bay is protected during construction and operation of the proposed development.
- 8.37. The 'in combination' effects are as set out under Section 8.33, above. The NIS considers there is no potential for any other plan or project to adversely affect the integrity of any European sites in combination with the proposed development.
- 8.38. Following the AA and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of South Dublin Bay SAC in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.
- 8.39. **North Dublin Bay SAC** – The development has the potential to affect the mudflats and sandflats, annual vegetation of drift lines, Salicornia and other annuals and both Atlantic and Mediterranean salt meadows associated with this SAC by way of an accidental surface water pollution event of sufficient magnitude that could potentially affect the quality and distribution of the intertidal/coastal habitats and the fauna communities they support. The four different types of dunes and the petalworth flora species will not be affected as they are above/found above the high tide line.
- 8.40. Mitigation measures are set out in Section 6.2.4 of the NIS which, according to the NIS, are in addition to the extensive and stringent environmental control measures that have been incorporated into the development design. Mitigation measures include those set out in Section 8.36. The mitigation measures will ensure that the surface

water quality in the Rye Water, River Liffey and Dublin Bay is protected during construction and operation of the proposed development.

- 8.41. The 'in combination' effects are as set out under Section 8.33, above. The NIS considers there is no potential for any other plan or project to adversely affect the integrity of any European sites in combination with the proposed development.
- 8.42. Following the AA and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of North Dublin Bay SAC in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.
- 8.43. South Dublin Bay and River Tolka Estuary SPA – The development has the potential to affect all Qualifying Interests of this SPA by way of an accidental surface water pollution event of sufficient magnitude that could potentially affect the quality of the intertidal/coastal habitats that support the special conservation interest bird species. It could potentially affect the abundance of prey fish species and quality of roosting sites for terns. It could potentially affect the use of the habitat areas by birds and have long-term effects on the SPA populations. The NIS states the grey plover is proposed for removal from the list of Special Conservation Interests.
- 8.44. Mitigation measures are set out in Section 6.2.4 of the NIS which, according to the NIS, are in addition to the extensive and stringent environmental control measures that have been incorporated into the development design. Mitigation measures include those set out in Section 8.36. The mitigation measures will ensure that the surface water quality in the Rye Water, River Liffey and Dublin Bay is protected during construction and operation of the proposed development.
- 8.45. The 'in combination' effects are as set out under Section 8.33, above. The NIS considers there is no potential for any other plan or project to adversely affect the integrity of any European sites in combination with the proposed development.
- 8.46. Following the AA and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of South Dublin Bay and River Tolka Estuary SPA in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

- 8.47. **North Bull Island SPA** – The development has the potential to affect all Qualifying Interests of this SPA by way of an accidental surface water pollution event of sufficient magnitude that could potentially affect the quality of the intertidal/coastal habitats that support the special conservation interest bird species. It could potentially affect the use of habitat areas by the birds and have long-term effects on the SPA populations.
- 8.48. Mitigation measures are set out in Section 6.2.4 of the NIS which, according to the NIS, are in addition to the extensive and stringent environmental control measures that have been incorporated into the development design. Mitigation measures include those set out in Section 8.36. The mitigation measures will ensure that the surface water quality in the Rye Water, River Liffey and Dublin Bay is protected during construction and operation of the proposed development.
- 8.49. The 'in combination' effects are as set out under Section 8.33, above. The NIS considers there is no potential for any other plan or project to adversely affect the integrity of any European sites in combination with the proposed development.
- 8.50. Following the AA and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of North Bull Island SPA in view of the Conservation Objectives of this site. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Appropriate Assessment Conclusion

- 8.51. The planning application for a five-year temporary development of a temporary contractors' car park and constructors' compound(s) associated with the development of the extension to Intel has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning & Development Act, 2000 (as amended).
- 8.52. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Rye Water Valley/Carton SAC, South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 8.53. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not

adversely affect the integrity of the European site numbers 001398, 000210, 000206, 004024 and 004006.

8.54. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including mitigation measures.
- Detailed assessment of the in combination effects with other plans and projects.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Rye Water Valley/Carton SAC, South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA.

9.0 Recommendation

9.1. I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

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

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further

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

Reason: In the interest of clarity.

2. This permission shall be for a period of five years from the date of this order. The site shall be reinstated within this period unless, prior to the end of the period, permission for its retention shall have been obtained.

Reason: In the interest of clarity and to accord with the planning application.

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

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

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

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

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

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

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

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

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

Reason: In the interest of public health.

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

Reason: In the interest of public health.

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

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

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) 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 to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

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

Reason: In the interests of amenity and public safety.

12. Prior to commencement of development the developer shall submit a Tree Protection Plan which shall identify, and justify the reason(s) for, any trees on site to be removed, for the written approval of the planning authority.

Reason: In the interest of clarity.

13. (a) Prior to commencement of development, all trees and hedging which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed and reinstated.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

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

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

Reason: In the interest of sustainable development.

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

Reason: In the interest of sustainable waste management.

16. All HGV construction traffic shall access the works area from Junction 6 on the M4 Motorway and construction traffic shall avoid the Leixlip and Maynooth Town Centres.

Reason: In the interest of traffic safety.

17. The Construction Stage Mobility Management Plan prepared by the appointed contractor for the permitted extended manufacturing facility at Intel focussing on measures required to manage the volume of traffic generated during the construction stage shall be extended to include the proposed development during the construction and operation stages and shall include the appointment of a Contractor Mobility Manager who shall liaise directly with the Mobility Manager for the Intel Campus as outlined in the Transport Assessment.

Reason: In the interest of traffic safety and sustainable travel.

18. Prior to the commencement of the construction works or each phase of the construction works, the developer shall submit, for the written agreement of the planning authority, a detailed Construction and Traffic Management Plan and Construction Environment Management Plan for each stage of construction including the installation of permanent traffic counters in the area to measure traffic figures and the submission of on-going evidence of how the proposed construction traffic numbers and mode share targets are being achieved. The plan shall also include all haul routes including specific traffic management

measures for the local road network, access and parking arrangements for labor, plant and materials and shall indicate the locations of plant and machine compounds.

Reason: In the interest of traffic, pedestrian and cyclist safety.

19. Prior to the commencement of the construction works or each phase of the construction works, the developer shall submit, for the written agreement of the planning authority, details of the proposed staggering of construction staff shift finishing times such as no more than 25% of vehicle departures occur during the peak hour and the proposed staggering of four different shifts for construction traffic as necessary to reduce the number of vehicular trips to the site at the same time as the Intel staff and details of the proposed implementation and ongoing monitoring of these shifts and travel to and from the site.

Reason: In order to reduce the impact of vehicle trips on the local road network, in particular at peak times.

20. Prior to the commencement of the construction works or each phase of the construction works, the developer shall submit, for the written agreement of the planning authority in liaison with Transport Infrastructure Ireland, details of the programme and infrastructure for the monitoring of traffic and queueing on the local road network, the proposed local road improvements and the monitoring of traffic and queueing on the approaches to the M4 Junction 6 Interchange Gyratory during and after the construction period. The cost of the design and implementation of these monitoring works and infrastructure shall be borne solely by the developer.

Reason: In the interest of a properly planned and serviced development and traffic safety.

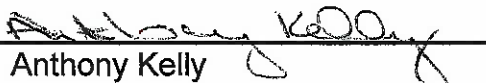
21. If the monitoring programme deems that signalised infrastructure is required at the M4 Junction 6 Interchange Gyratory either during or after the construction

period, the developer shall submit, for the written agreement of the planning authority in liaison with Transport Infrastructure Ireland, detailed design proposals for the improvements to the Interchange as set out in the submission under P.A. Reg. Ref. 19/91 / ABP Reg. Ref. 304672-19. Detail of the design, implementation, costing and phasing of these works shall be agreed in writing with the planning authority in liaison with Transport Infrastructure Ireland. The cost of the design and implementation of these works shall be borne solely by the developer.

Reason: In the interest of traffic safety.

22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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


Anthony Kelly

Planning Inspector

27.01.2021