



An
Bord
Pleanála

Inspector's Report

ABP-316491-23

Development

Main Brewery Facility and ancillary buildings and site works. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared and are submitted with this application. The proposed development will be subject to a proposed IE (Industrial Emissions) Licence from the EPA (Environmental Protection Agency).

Location

IDA Newbridge Business & Technology Park (Littleconnell) within the townlands of Greatconnell, Littleconnell and Clownings, Newbridge, Co. Kildare.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

221291

Applicant

Diageo Ireland

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant

John Lynch

Observer(s)

Environmental Protection Agency

Date of Site Inspection

21st September 2023

Inspector

Ian Boyle

Contents

1.0 Site Location and Description.....	4
2.0 Proposed Development.....	5
3.0 Planning Authority Decision	9
4.0 Planning History.....	21
5.0 Policy Context.....	22
6.0 The Appeals.....	33
7.0 Assessment.....	37
8.0 Environmental Impact Assessment.....	60
9.0 Appropriate Assessment	123
10.0 Recommendation	143
11.0 Reasons and Considerations.....	143
12.0 Conditions.....	144

1.0 Site Location and Description

- 1.1. The appeal site comprises a greenfield site within the IDA Newbridge Business and Technology Park in County Kildare. The land is currently used for agricultural purposes. It is relatively flat with a slight fall from the southwest (lower ground) towards the northeast (higher ground). The nearest settlement of note is Newbridge town centre, which is approximately 1.8km to the southwest. Naas and Dublin City are roughly 7km and 42km to the northeast, respectively.
- 1.2. The Business Park is situated to the east of Newbridge town centre and lies across the townlands of Greatconnell, Littleconnell and Clownings. It is accessed by the Newbridge South Orbital Relief Road (NSORR) which runs directly through the IDA lands connecting the R445, also known as the Nass Road, to the Greatconnell Road. The NSORR has footpath and cycle facilities on both sides and links the business park with Newbridge town centre. The park is a significant economic and employment hub and strategically positioned near the confluence between the M7 and M9 Motorways. It accommodates several largescale distribution centres, manufacturing plant, and other types of light industrial uses, many of which have been built or physically expanded in recent years.
- 1.3. The NSORR runs along the western boundary of the site, parallel the R445, which is further west again, and on a general northeast to southwest axis. The site is adjoined by undeveloped green fields and farming land to the south. There is large commercial plantation of ash trees to the east and past this, on the far side of this wooded area, there is a small residential enclave. mainly comprising detached houses on spacious plots. To the north, there are agricultural fields.
- 1.4. There is an attenuation pond on the western side of the site which collects surface water runoff from the surrounding area. The Pinkeen Stream runs through the subject lands and underneath the NSORR via an existing culvert. The stream is a small, slow-moving tributary of the River Liffey. It has undergone extensive change over the years due to various anthropogenic interventions and farming practices. The changes comprise mainly different types of drainage measures implemented across the land, including the construction of informal accessways and crossing points to facilitate agriculture and the movement of vehicles. The stream connects to



the River Liffey downstream, towards the north, which in turn ultimately discharges into Dublin Bay, roughly 65km away.

- 1.5. Other physical features on the site include a drainage ditch, hedgerows, established treelines, and a small area of hardstand near where the new proposed accessway for the site is to be located.
- 1.6. The existing business park accommodates the following businesses and manufacturing factories:
 - The Pfizer manufacturing plant to the southeast, which was established in 1992 and has expanded since.
 - The Lidl Ireland Regional Distribution Centre, which has recently been constructed, and lies directly west of the appeal site.
 - The KDP manufacturing facility (Keurig Dr. Pepper) (producer of hot and cold beverages) is to the southwest of the site.
 - The Barola Capital DAC / Primark warehouse and distribution centre is to the south of the site, and beyond this, further south again, is the Murphy Ireland Engineering and Construction Company Headquarters.
- 1.7. The Dublin Heuston to Kildare railway line passes in a northeast - southwest direction roughly 1.8km to the west. Newbridge Train Station is c. 3.8km from the site and there are several bus services serving the town. A further bus stop is within c. 500 of the site on the R445, which links Newbridge with Nass, Dublin City and other destinations in the county.
- 1.8. The site has an stated site area of approximately 21.3ha.

2.0 Proposed Development

New Brewery Facility

- 2.1. The proposed development is for a brewery facility and associated site works (total GFA c. 11,552sqm). Its purpose is to produce a variety of beers and lagers for the commercial market.
- 2.2. The main components, as per the original application, can be summarised as follows:

- Main Brewery Facility (c.9,148sqm); including the brew house, storage and handling areas, labs, control rooms, workshops, plantrooms, process areas and valve blocks, utilities and service areas, circulation, office/admin and welfare facilities and ancillary areas.
- Renewable Heating Plant Building (c.1,644sqm); including internal plant area, turbine room, fuel store, electrical distribution, office / admin areas, electrostatic precipitators and flue stacks.
- Utilities Area, Welfare and Control Room (c.142sqm); including external electrical plant area, plant rooms, fire water tanks and pump house.
- Wastewater Treatment Plant (c.55sqm); including associated tanks, plant rooms and storage areas (biogas infrastructure and chemical storage areas), electrical container plant rooms, and dewatering building.
- Water Recycling Plant (c.195sqm); including main plant building (with external open area with overhead canopy), tanks and external plant and equipment.
- Water Treatment Plant (c.75sqm); including storage tanks with associated plant rooms and external plant areas and electrical container plant room.
- Waste Storage Building (c.161sqm); ESB substation and customer switch room.
- Security Gatehouse (c. 35sqm).

2.3. A new site access is proposed to serve the development via the existing roundabout spur of the NSORR.

2.4. Parking is provided for dedicated truck parking (20 no. spaces), car parking (50 no. spaces) and bicycle parking (16 no. spaces).

2.5. Further site works include the diversion of the Pinkeen Stream across the site, provision of a borehole and associated works / pump room for the purpose of water abstraction for use in the facility. The water abstraction is a secondary backup supply required during periods when insufficient water is available at the water recycling plant.

2.6. A temporary site access from the NSORR, compound and welfare facilities during the construction period is also proposed.

Process Description

- 2.7. The anticipated capacity of the overall brewery facility when in full operation would be 2 million hectolitres (200,000,000 litres) per annum.
- 2.8. The Applicant states that it is intended to use state-of-the-art technology to ensure a high level of efficiency in water and energy usage. The facility will operate 24/7/365 across three shifts.
- 2.9. The full brewing process will take place within the confines of the proposed facility (i.e., no milling, mashing, extract separation, or other type of process is required offsite). The finished products will then be pumped into tankers and taken directly to other Diageo sites in Ireland, or Northern Ireland, for packaging.
- 2.10. The brewing process can be summarised as follows:
- Milled barley / malted barley and water are boiled to form a mash.
 - The mash is filtered to remove spent grain (a byproduct).
 - The resulting liquid is boiled again and hops are added.
 - The resultant 'wort' (extracted liquid) is spun to ensure further separation of spent hops.
 - Cooled wort is fed yeast and water and aerated to ensure fermentation occurs.
 - The matured beer is then filtered to remove spent yeast.
 - Carbon dioxide is extracted from the fermented beer, as necessary.
- 2.11. The process uses natural resources, including water, yeast, barley and hops. The grains and yeast are extracted as byproducts during the brewing process and transported offsite for other types of use.

Revised Energy System (submitted as part of appeal response)

- 2.12. The Applicant provided an amended design as part of their Appeal Response, submitted to the Board on 22nd May 2023, which modified the proposed energy system serving the facility. This includes changes to the physical plant and equipment.
- 2.13. The changes are confined to the plant area of the facility. In this regard, please refer to the drawings, including the Site Layout Plan. appended to the appeal response.

The hatched area entitled 'renewable heating plant' shows the location of these design revisions.

- 2.14. The revised energy system mainly involves a shift from a woodchip-fuelled steam boiler system to a smaller biogas-powered boiler system. Biogas will be used and generated from the onsite wastewater treatment plant (WWTP). The new system also means the previously proposed combined heat and power plant has been omitted. A backup electric heater is included for situations where the flow of biogas may be interrupted for any reason.
- 2.15. The system is described in further detail under Section 6.2 below.

Further Information

- 2.16. The Planning Authority requested further information on 21st December 2022, including:
- Item 1: A revised Flood Risk Assessment.
 - Item 2: Details addressing the proposed discharge of runoff from a drainage catchment (Catchment B) to a drainage ditch and the existing Pinkeen Stream to ensure no adverse impact on third party lands or stagnation of water.
 - Item 3: Details addressing the potential impact of the development on the national road network, and identifying any mitigation measures required, including in relation to the M7 and Junction 10.
 - Item 4: Revised proposed landscaping details showing the precise location and extent of berms, landscaping proposals and screening of the proposed development on all sides.
 - Item 5: Submission of an additional photomontage from the north of the site at the second roundabout of the NSORR, indicating the development before construction, immediately after construction, four years after construction with planting and eight years after construction when planting is well established.
 - Item 6: The Tree Impact & Protection Plan and Landscape Site Plan drawings deemed to contain insufficient details in relation to the protection of the existing young standard trees along the northern site boundary. A comprehensive plan, section drawings, and details are requested to clearly show the locations of the

tree protection fencing and all proposed construction works, berms, site work areas, and existing and proposed boundary treatments. This is to ensure the protection and sustainability of the existing trees both during and after construction.

- Item 7: Additional, boundary landscaping and planting details.
- Item 8: Revised landscape proposals around the 'protected site' (i.e., a field system / bi-vallate enclosure), including a planting scheme and layout to augment and protect this feature.
- Item 9: Landscape Site Plan drawings to clearly detail any areas of proposed planting / landscaping proximate to overhead lines to ensure no future conflicts.
- Item 10: Further details regarding firefighting access, water supply, auto-track analysis and confirmation of no height restrictions (4m) along any part of the fire brigade access route.

2.17. The Applicant provided further information on 3rd February 2023, which addressed to the above items.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority issued a *Notification of Decision to Grant Permission* (NoD) on 28th March 2023, subject to 35 no. conditions. Notable conditions include:

Condition 3: Submit a Construction Environmental Management Plan (CEMP)

Condition 4: Submit a final Resource and Waste Management Plan (RWMP) based on the preliminary RWMP, including a detailed Construction Traffic Management Plan.

Condition 5: Complete a detailed Waste Importation Plan.

Condition 6: Complete a Construction Phase Surface Water Management Plan.

Condition 8: Complete a Construction Management Plan.

Condition 11: Operations not to commence until such time an Industrial Emissions Licence (IEL) has been issued by the EPA.

- Condition 12: An Ecological Clerk of Works (ECoW) to be appointed prior to commencement of works to ensure all mitigation measures outlined in the Ecological Impact Assessment (EclA), Natura Impact Statement (NIS) and CEMP are to be collated and submitted to the Planning Authority for approval.
- Conditions 13 and 14: Arborist to be appointed to oversee construction phase and complete post construction Tree Survey and Assessment on the condition of trees and hedgerows.
- Condition 16: Archaeologist to be appointed to monitor and protect any archaeological features and materials onsite.
- Condition 18: OPW Section 50 consent required for the proposed diversion of the Pinkeen Stream and to carry out an assessment of replacing the proposed attenuation pond with a constructed wetland.
- Condition 21: Must consult with Inland Fisheries Ireland (IFI) regarding matters concerning fisheries and surface water quality.
- Condition 27: All overground oil, chemical storage tanks to be bunded to protect against spillage.
- Condition 29: Fat, oil and grease interceptors to be installed.
- Condition 31: An Effluent Discharge Licence shall be obtained from Irish Water prior to the discharge of trade effluent from the development to the public foul sewer system.
- Condition 32: Control of noise levels during the construction stage.
- Condition 33: Noise, odours and dust from the operational stages of the development shall be monitored and managed in accordance with the EPA IE / IPC licence.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The subject site is zoned 'H – Industrial and Warehousing' under the Newbridge Local Area Plan 2013-2019 (extended to 22nd December 2021). The proposed development is industrial in nature and therefore considered acceptable in principle, subject to other planning and development considerations.
- The submitted, revised Site Specific Flood Risk Assessment (SSFRA) as part of further information is acceptable.
- A section of the Pinkeen Stream will be retained to receive water from the connecting network of drainage channels and provide an outfall to the diverted Pinkeen channel. There will be no increase in the flow of water within the channel. No further issues have arisen, subject to conditions.
- The predicted 53 HGVs and 50 staff average daily journeys are likely to have a minimal impact on the performance of the surrounding road network, including Junction 10 or the M7 Motorway. The further information response was referred to TII and NRO for assessment and comment. No further issues have arisen, subject to conditions.
- The additional drawings, cross sections and photomontages received which show the proposed screening berms and tree planting are considered acceptable.
- The updated Tree Impact and Protection Plan Overview (drawing), Tree Constraints Plan and Landscape Site Plan submitted as further information are acceptable. The increased number of specimen trees and higher density tree planting is noted, as are the additional Oak Trees to be planted around the protected site.
- There is sufficient offset distance between the proposed planting and overhead powerlines.
- The revised site layout, submitted as further information, indicates the position and details of the proposed fire water tanks and associated pumps. This

information was referred to the Fire Officer. Other further items relating to water supply, auto-track analysis and vehicle manoeuvrability onsite, and confirmation of there being no height restrictions along any part of the fire brigade access route were also addressed.

- The further information submitted with regards to surface water, flood risk, landscaping and visual impact, and traffic impact is considered acceptable. Therefore, the anticipated effects on the environment as detailed in Chapters 9 (Water), 12 (Landscape and Visual Impact) and 14 (Material Assets – Traffic) are considered to have been comprehensively evaluated, together with the other Chapters of the EIAR.
- The NIS submitted as part of the application has examined and analysed and it is concluded 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.

3.2.2. Other Technical Reports

Roads Department:

- *First Report, dated 6th December 2022:* No objection, subject to conditions requiring:
 - the delivery of certain road and surface works prior to commencement of development;
 - provision of EV charging points / ducting;
 - completion of a Stage 3 Road Safety Audit (RSA);
 - completion of the development in accordance with the submitted Mobility Management Plan (MMP); Lighting Report and Glint and Glare Assessment;
 - preparation of a RWMP;
 - submission of a public engagement and liaison plan;
 - HGV access to be from the NSORR in order to keep Greatconnell Road free of all construction related traffic;

- all vehicular access (not HGVs) for staff and visitors for the operational phase of the development must be from the Newbridge South Orbital Relief Road (NSORR) and Great Connell Road;
 - the construction phase must adhere to specified hours of operation;
 - no spoil, dirt, debris or other materials to be deposited on the public road network;
 - no surface water runoff discharge onto the Newbridge South Orbital Relief Road; and
 - the development must not impair existing land or road drainage.
- *Second Report, dated 30th March 2023.* No objection, subject to above conditions, and including the following conditions:
 - Requirement for a Road Opening Licence;
 - Requirement for a licence to erect fencing / hoarding on the public road network; and
 - During the construction phase, the developer must provide adequate off carriageway parking facilities for all traffic associated with the proposed development.

MD Engineer:

- *Report dated 28th October 2022:*
 - No objection, subject to the conditions regarding surface water disposal and drainage, and maintenance of the public road network during the construction phase.

Water Services Section:

- *Report dated 6th December 2022:*
 - Further information requested, including details in relation to the proposed method of surface water drainage and attenuation to avoid adverse impact on third party lands or stagnation of water, and submission of a revised flood risk assessment.

- Second Report dated 14th February 2023. No objection, subject to conditions regarding the proposed method and treatment of surface water drainage and attenuation, and flood risk.

Environment Section:

- *Report dated 14th December 2022.* No objection, subject to conditions requiring:
 - overground oil, chemical storage tank(s) to be bunded to protect against spillage;
 - preparation of a Construction and Demolition Resource Waste Management Plan (CDRWM);
 - all foul sewage, trade effluent and soiled water to discharge to the public foul sewer;
 - adequately sized and sited fats, oils, greases interceptors to be installed;
 - effluent Discharge Licence to be obtained from Irish Water (under the Water Services Act 2007);
 - noise to be in accordance with the relevant industry standard;
 - noise, odour and dust from the operational stages of the planned development must be monitored and managed in strict accordance with the EPA IE/IPC license;
 - best practicable means to prevent / minimise noise and dust emissions during the construction and operational phases of the development;
 - completion of a waste importation plan;
 - completion of a Construction Phase Surface Water Management Plan;
 - The proposed facility will likely require Certification under Schedule 3 of the EU Packaging Regulations. Applicant to enter into discussions with the Environment Department prior to operations commencing;
 - No operations shall commence until such time as when an IEL has been issued by the EPA.

Parks Department:

- *Report dated 9th November 2022:*
 - Requested further information regarding details in relation to retention of existing trees on the site, planting of new trees and vegetative screening, landscape design and boundary planting.
- *Report dated 6th January 2023:*
 - No objection, subject to conditions regarding the preparation of a detailed landscape masterplan and related items.

Chief Fire Officer:

- *Report dated 7th December 2022:*
 - Requested further information in relation to firefighting access, water supply, auto-track analysis and confirmation of unimpeded access to the site for fire fighting vehicles.
- *Report 21st February 2023:*
 - No objection, and recommended conditions, including in relation to firefighting water supply and a requirement for a Fire Safety Certificate, etc.

Heritage Officer:

- *Report dated 5th December 2022.* No objection, subject to conditions, including in relation to the protection of biodiversity, ecology, and archaeology.

3.3. Prescribed Bodies

Uisce Éireann (Irish Water):

- Report dated 28th November 2022. No objection, subject to standard conditions.
- Report dated 1st December 2022. No objection, subject to standard conditions.
Noted that:
 - a Confirmation of Feasibility (COF) letter was issued to the Applicant on 25th October 2022 confirming feasibility of connections to facilitate the development proposal, subject to standard requirements;

- connection to the public wastewater network is feasible without infrastructure upgrades by Irish Water; and
- there is existing Irish Water Infrastructure in proximity to the subject site and the proposed site entrance.

Inland Fisheries Ireland

- Report dated 11th November 2022: No objection. Noted that:
 - The Pinkeen Stream is adjacent the site and a spawning tributary of the River Liffey main channel.
 - Ground preparation and associated construction works have the potential to release sediments and pollutants into surrounding watercourses.
 - Works should be completed in accordance with a CEMP.
 - Construction personnel and contractors should adhere to the mitigation measures in any construction phase surface water management plan.
 - Short-term storage and removal / disposal of excavated material must be considered and planned, such that risk of pollution from these activities is minimised. Drainage from the topsoil storage area may need to be directed to a settlement area for treatment. Use of lime and cement for soil stabilisation should be strictly controlled and monitored.
 - The potentially highly polluting nature of wastewater generated by the facility requires comprehensive surface water management measures to safeguard the ecological integrity of local surface and ground waters. There must be direct pumping of contaminated water from the works to the stream at any time.
 - A large amount of groundwater will be abstracted for this development (770m³/day). There must be adequate groundwater recharge so as to not impact the base flow of the Pinkeen Stream.
 - Detail design and method statements for surface water outfalls must be submitted to IFI for approval.
 - Mitigation measures, such as silt traps and oil interceptors should be regularly maintained during the construction and operational phase. If

permission is granted, a condition is recommended to require the owner to enter into an annual maintenance contract for efficient operation of the petrol/oil interceptor(s).

- Should development proceed, IFI should be consulted directly in relation to all matters concerning fisheries and surface water quality.
- Appointment of an Environmental Clerk of Work (ECoW) to oversee the site works.

Health Service Executive:

- Report 1st December 2022. No objection, subject to conditions:
 - The Environmental Health Service (EHS) is satisfied that the EIAR (NTS) provides an adequate description of the proposed development and the potential impacts on human health.
 - Should permission be granted for the proposed development, the Environmental Health Service makes the following recommendations:
 - The proposed mitigation measures described under 7.5.1 Construction Phase and 7.5.2 Operational Phase are applied as conditions of planning. The EHS suggests that the feasibility of substituting broken rock (assumed to be virgin material) used in construction with another fill material be explored. This is in the context of reducing construction and demolition waste in line with the principles of the Circular Economy and Miscellaneous Provisions Act 2022.
 - A Construction Environmental Management Plan (CEMP) is written for the proposed development, detailing a range of measures designed to mitigate the potential effect/impact on human health during the construction phase. This should include a Pest/Vector control plan for the construction phase.
 - The need for early and meaningful public consultation in the development process including consultation with other industry located in the IDA Newbridge Business and Technology Park (Littleconnell)

- That the local community, including other industry have access to a feedback mechanism where feedback including complaints can be received and are acted upon by a designated person/role within the proposed development. Issues to potentially address include Dust, Odour, other Air Quality issues, Noise, and issues related to Water.
- That a Construction Environmental Management Plan (CEMP) is developed that includes mitigation measures to prevent spills such as lubricants, waste oils and fuel from storage areas and vehicles entering surface/ground water. The proposed mitigation measures for the construction phase listed under 8.5.1 of the EIAR should be implemented in full as a minimum condition of planning permission.
- That monitoring of the “back up” abstraction well takes places to ensure sustainability of supply for the proposed development and others dependent on this source of water.
- Full implementation of the Dust Management Plan during the construction phase covering the mitigation measures outlined under Table 9-40 and Table 9-41 of the EIAR. The EHS additionally recommends the stabilisation of screen berms with drought resistant grasses/vegetation in order to build resilience to dust generation during dry spells/droughts.
- That operation of the proposed development not start until an Industrial Emissions licence has been issued by the EPA with Emission Limit Values set and a monitoring programme put in place to assess potential exceedances at or near sensitive receptors.
- A move to HGVs powered by biofuels or electric batteries, to further reduce transport emissions during operation. The EHS recommends the installing of electric charge points for both EVs, as planned, and Electric Bikes as part of the incentive to encourage staff use lower emission modes of transport to and from work.
- That the developer examines the potential for Rain Water Harvesting on site (off the roof and other surfaces) in order to further minimise treated water demand and the energy required in recycling

wastewater. This should be explored to further mitigate potential greenhouse gas emissions associated directly and indirectly with water supply and recycling of water.

- That the developer ensures the design of the proposed development is resilient to predicted changes in the Irish climate in the coming decades. This should include an assessment of risk related to Severe Weather Events including windstorms and other threats in a climate that is warmer, sometimes wetter and sometimes drier than recorded history. For example, the drainage systems planned should ensure they do not enable the proliferation of disease vectors such as mosquitoes into the future.
- That the developer put in place a plan that includes the protection of public health, if and when the proposed development has to be decommissioned.

Development Applications Unit (Archaeology):

- *Report dated 1st December 2022.* No objection, subject to conditions:
 - Recommended that archaeological mitigation be included as part of any grant of permission issued.
 - The recommendations align with Sample Conditions C4 and C5 as set out in OPR Practice Note PN03: Planning Conditions (October 2022), with appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the EIAR.
 - This is to ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

EPA:

- *Report dated 20th December 2022.* No objection. Noted that:
 - The proposed development may require a licence (Class 7) from the EPA, who would be responsible for the ongoing operation of the activity.

- The planning application was accompanied by an EIAR. Should the Agency receive a licence application for the development, the Applicant will be required to submit the EIAR to the Agency as part of their licence application.
- In accordance with Section 87(1D)(d) of the EPA Act, the Agency cannot issue a Proposed Determination on a licence application which addresses the development proposed until a planning decision has been made.

Transport Infrastructure Ireland:

- *Report dated 23rd February 2023.*

No objection. Recommended that the proposed development be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted. Any recommendations arising should be incorporated as conditions in the grant of permission, if permitted.

National Roads Office (NRO):

- *Report dated 29th November 2022:* Requested further information in relation to potential impacts on the road network.
- *Report dated 22nd March 2023:* No objection. Noted that traffic and transport details was included in the further information submitted by the Applicant. The development should have no adverse effects on the national roads network or Junction 10 of the M7.

3.4. **Third Party Observations**

The Planning Authority received 2 no. observations, which raised the following main issues:

- No objection in principle.
- Proposal is not in accordance with previous access and road network masterplan.
- Proposal would be an ad-hoc form of development.
- The Applicant (Diageo) may not be the end-user and another operator may take over.

- Environmental impact, pollution, emissions and flooding concerns.
- The application was made before the adoption of the current County Development Plan and new Local Area Plan for Newbridge.
- The development should be in Athy, and not at the subject site, to avoid unnecessary traffic and vehicular trips. This would prevent having significant lorry loads of malt being transported from Athy, where the raw product is, to Newbridge.
- No reference in EIAR of the origin and destination of raw material. Athy is a more appropriate location, close to the required raw material, appropriate sites, workforce and better access.
- Abstraction of water from the River Liffey could potentially impact the Curragh and surrounding water table.
- Concerns regarding the diversion of the Pinkeen Stream.

4.0 Planning History

Subject Site

- 4.1. Reg. Ref. 07/2936: The Planning Authority **granted permission** for the construction of 10 no. enterprise units (industrial / warehouse use) and ancillary office accommodation on a part of the subject site in October 2008.

Surrounding Area

- 4.2. The surrounding lands, including the wider business park, have been subject to several planning applications over past number of years. The applications comprised various types of largescale distribution warehouses (including extensions thereof), new light industry and plant, and other types of employment uses. This includes the Barola Capital DAC / Primark warehouse and distribution centre (Reg. Ref. 21/1248), the KDP beverage manufacturing facility (Reg. Ref. 20/259), an extension to existing pharmaceuticals production facility for additional solvent and waste storage tanks and ancillary works (Reg. Ref. 19/1098), and a new regional distribution centre and warehouse for a large supermarket chain (Reg. Ref. 17/563).

- 4.3. Further applications for various infrastructural upgrades and improvements (mainly road and water) have also been permitted in the surrounding area, including a new 130m section of road (part of the NSORR) to link in with the existing Great Connell Road and to form a new roundabout (Reg. Ref. 17/564), a new Irish Water foul water pumping station and related capacity upgrade works (Reg. Ref. 15/974), revisions to an existing roundabout south of the junction of the R445 (Reg. Ref. 07/1561), amongst other such works and road improvements.

5.0 Policy Context

5.1. Local Policy

Newbridge Local Area Plan 2013-2019 (as extended to 22nd December 2021)

Zoning

- 5.1.1. The Newbridge Local Area Plan 2013-2019 (as extended to 22nd December 2021) (LAP) identifies the site as being zoned 'H – Industrial and Warehousing'.
- 5.1.2. The LAP states that the purpose of this zoning is to provide for industrial and warehousing uses.

Kildare County Development Plan 2023-2029

Background

- 5.1.3. The Kildare County Development Plan 2023-2029 ('Development Plan') was adopted by the Elected Members of Kildare County Council on 9th December 2022. The Plan came into effect on 28th January 2023, thereby, replacing the previous Kildare County Development Plan 2017-2023.
- 5.1.4. Objective CS 09 (Chapter 2 'Core Strategy and Settlement Strategy') is to review and prepare on an ongoing basis a portfolio of Local Area Plans for the mandatory LAP settlements in the County, which includes Newbridge. At the time of writing this report, work had not yet commenced in terms of preparing the next Local Area Plan for Newbridge.

Chapter 2 'Core Strategy and Settlement Strategy'

- *Settlement Hierarchy*

5.1.5. Table 2.7 of the Development Plan identifies Newbridge as a Self-Sustaining Growth Town with a moderate level of jobs and services. The Plan recognises that such settlements continue to attract a moderate level of jobs and services through a range of employment types including biotechnology, ICT, high-tech manufacturing and research, bloodstock, tourism and food and beverage products.

- *Section 2.13.1 Naas to Newbridge Strategic Economic and Employment Zone*

5.1.6. The Newbridge to Naas corridor is seen as a Strategic Economic Zone in the centre of the County. It comprises the Tougher Industrial Estate in Naas and the industrial and business park zone to the north of Newbridge. The Newbridge industrial zone accommodates several global companies such as Pfizer Pharmaceuticals, a Lidl Regional Distribution Centre, DSV Logistics, the Barola/Primark Distribution Centre and Dr. Pepper.

5.1.7. The Development Plan references that the IDA has acquired a strategic bank of land in the zone, which will over time see the Tougher area linked back into Newbridge. It is also stated that while only a portion of their IDA landholding is zoned, it is the intention of the Council to work with the IDA, and other relevant stakeholders, should new Foreign Direct Investment company express an interest in establishing a strategic employer in the County.

5.1.8. The long-term vision for this area between Naas and Newbridge is for two dynamic and vibrant town centres linked by a strong economic corridor focused on the eastern side of the R445. This will evolve over many years – well beyond the lifetime of the current County Development Plan. What is critical during the lifetime of this plan (and subsequent plans) is that there is an avoidance of haphazard and poorly designed industrial units, sporadically located on either end of the corridor or at either side of the R445.

5.1.9. The focus for this plan period is to concentrate on the Newbridge end of the corridor linking back up to Tougher and this strategy will be developed further as part of the preparation of the Newbridge Local Area Plan. The vision will be to provide a higher end profile – i.e., offices and/or strong architectural and landscape treatment – with

more consistent building lines along the east side of the R445 (Newbridge to Naas Road) and 'big box' style developments (i.e., logistics, warehousing and possibly data centres) to the rear (further east). The development of the area will be underpinned by an Urban Design Framework, identifying key landscape/heritage features to be retained, indicative areas for strategic and sustainable urban drainage systems (SuDS), key road linkages/circulation routes and indicative urban design treatments (landscaping and building lines).

Chapter 4 'Resilient Economy and Job Creation'

- 5.1.10. Section 4.5 is in relation to Economic Clusters. It states that there are two such areas identified within the County, including the Sallins-Naas-Newbridge Cluster which incorporates the proposed Naas to Newbridge Strategic Economic and Employment Zone.
- 5.1.11. The following objectives are considered relevant:
- Objective RE O1 is to facilitate and support the growth of the economy in Kildare and the Greater Dublin Area in a sustainable manner, and in accordance with the Regional Spatial and Economic Strategy
 - Objective RE O6 seeks to support enterprises and industry, including employment-intensive international business and technology parks, small and medium enterprises (SME) and micro enterprise centres at appropriate locations throughout the county.
 - Objective RE O9 seeks to ensure that any significant future employment developments in the vicinity of the strategic road network will be accompanied by a mobility management plan that seeks to provide for an appropriate level of non-car based transport options, utilising the strategic public transport network.
 - Objective RE O26 is to continue to support and develop the Self-Sustaining Growth Towns of Newbridge and Leixlip as an attractor but not limited to Biotechnology, ICT, professional services, High-tech manufacturing and research employment. Kildare County Council will work with Irish Water and other agencies to ensure the delivery of key infrastructure to facilitate future development.

- Objective RE O34 is to promote and facilitate the development of the Sallins-Naas-Newbridge Economic Cluster, including the proposed Naas to Newbridge Strategic Economic and Employment Zone, by supporting identified key sectoral opportunities along with requisite targeted infrastructural investment, in accordance with the Regional Spatial and Economic Strategy 2019- 2031.
- Objective RE O54 is to support existing FDI large industrial companies in sustaining and expanding their businesses at appropriate locations.
- Objective RE O55 is to promote and develop key land banks and business parks in conjunction with IDA and Enterprise Ireland throughout the County, to build more sustainable communities, which target key priority business sectors.
- Objective RE O55 is to promote and develop key land banks and business parks in conjunction with IDA and Enterprise Ireland throughout the County, to build more sustainable communities, which target key priority business sectors.

The following policies are considered relevant:

- Policy RE P1 is to ensure that future economic and enterprise development in Kildare should be largely distributed in accordance with the county's economic hierarchy having regard to each individual areas (a) identified role within the hierarchy, (b) existing size, (c) existing function (d) capacity for sustainable growth (i.e. growth without detriment to its surroundings, its built or natural assets and/or its character) and (e) available infrastructure capacity. There is, however, a positive presumption in terms of employment creation and therefore it is Council policy to examine such proposals within other locations on a case-by-case basis for example employment related development in a location clearly linked to a rural re- source activity.
- Policy RE P3 seeks to ensure a co-ordinated approach to policy, objectives and actions as contained within the County Development Plan, Kildare 2025 (Economic Development Strategy) and the Local Economic and Community Plan through continued engagement with the relevant stakeholders including (but not limited to) Kildare Local Community Development Committee, and Municipal Districts.

Chapter 12 'Biodiversity and Green Infrastructure'

5.1.12. Chapter 12 states that an aim of KCC is to protect, manage and enhance the County's biodiversity for future generations, including sites designated at national and EU level, protected species and habitats outside of designated sites and to promote the development of an integrated Green Infrastructure network in order to improve our resilience to climate change and to enable the role of Green Infrastructure in delivering sustainable communities.

5.1.13. The following objectives are considered relevant:

- Objective BI O1 requires, as part of the Development Management Process, the preparation of Ecological Impact Assessments that adequately assess the biodiversity resource within proposed development sites, to avoid habitat loss and fragmentation and to integrate this biodiversity resource into the design and layout of new development and to increase biodiversity within the proposed development. Such assessments shall be carried out in line with the CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine.
- Objective BI O2 requires, wherever possible, the retention and creation of green corridors within and between built up urban areas and industrial scale developments to protect wildlife habitat value including areas that are not subject to public access.
- Objective BI O27 requires the retention and appropriate management of hedgerows and to require infill or suitably sized transplanted planting where possible in order to ensure an uninterrupted green infrastructure network.

Chapter 15 'Development Management Standards'

5.1.14. Section 15.9.2 is in relation to 'Industry and Warehousing Development'.

5.1.15. It states that industry and warehousing schemes will be required to present a good quality appearance, helped by landscaping and careful placing of advertisement structures.

5.1.16. It also sets out the assessment criteria, design requirements and details required to be provided for such types of development. There is an emphasis on high quality design, building finishes and landscaping.

Other Chapters

- Chapter 13 is in relation to 'Landscape, Recreation & Amenity'.
- Chapter 14 is in relation to 'Urban Design, Placemaking and Regeneration'.

Climate Resilient Kildare – Kildare County Council 2019-2024

The Climate Change Adaptation Strategy for County Kildare, known as 'Climate Resilient Kildare 2019-2024', is in accordance with the provisions of the Climate Action and Low Carbon Development Act, 2021.

The document is the Council's Climate Action Plan and it recognises that KCC is in the process of adaptation planning to build resilience and respond effectively to the threats posed by climate change.

The Climate Change Adaptation Strategy takes on the role as the primary instrument at local level to:

- Ensure a proper comprehension of the key risks and vulnerabilities of climate change.
- Bring forward the implementation of climate resilient actions in a planned and proactive manner, and
- Ensure that climate adaptation considerations are mainstreamed into all plans and policies and integrated into all operations and functions of Kildare County Council (KCC).

5.2. Regional Policy

Eastern and Midland Regional Spatial and Economic Strategy 2019-2031

- 5.2.1. The Eastern and Midlands Region Area (EMRA) Regional Spatial and Economic Strategy (RSES) 2019-2031 is a strategic plan for investment and growth to better manage regional planning and economic growth.
- 5.2.2. The RSES states that Newbridge is part of the Core Region, which is the peri-urban hinterlands within the commuter catchment around Dublin, and which covers the Eastern counties and extends into the Midlands, north into Louth and south beyond the Region into Wexford.

5.2.3. Throughout the strategy there are three cross-cutting key principles; one of which is Climate Action and the need to enhance climate resilience and to accelerate a transition to a low carbon society recognising the role of natural capital and ecosystem services in achieving this. A further guiding principle is to create the right conditions and opportunities for the region to realise sustainable economic growth and quality jobs to help ensure a good living standard for all.

5.3. **National Policy**

The National Development Plan 2021 – 2030

5.3.1. The National Development Plan 2021-2030 (NDP) was published in October 2021 in tandem with the National Planning Framework (NPF). It seeks to drive Ireland's long term economic, environmental and social progress over the next decade, in accordance with the spatial planning context of the NPF.

5.3.2. The key role of the NDP is to set out public capital investment over the next 10 years in order to achieve various National Strategic Outcomes. It constitutes a revised plan with increased emphasis on supporting the transition to a low carbon society. It sets out a major national investment project across all sectors, supporting investment measures that are necessary to meet climate ambitions.

Climate Action and Low Carbon Development (Amendment) Act, 2021

5.3.3. The Climate Action and Low Carbon Development Act, 2021 was signed into law in July 2021. The Act strengthens the provisions of the 2015 Act by adding a specific decarbonisation target of climate neutrality by 2050 at the latest, with the addition of recognition of the importance of protecting biodiversity. This brings Ireland's approach into line with the EU commitment to climate neutrality by 2050 as enshrined in the European Climate Law of 2021, and into line with many other climate laws.

5.3.4. The Act establishes national climate objectives that the State shall pursue and achieve by no later than the end of the year 2050, including the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It contains a number of objectives for the purpose of achieving that aim including the preparation of an updated Climate Action Plan. The preparation of local authority climate action plans is a key element.

Project Ireland 2040: The National Planning Framework

- 5.3.5. 'Project Ireland 2040: The National Planning Framework (NPF)' is a planning framework to guide development and investment over the coming years, up to 2040.
- 5.3.6. Section 4.4 'Planning for Urban Employment Growth' states that at an urban scale, in cities and towns generally, it is important to identify locations where enterprises can access competitively priced development lands, utilities and commercial properties to the highest standards available internationally. Planning to accommodate strategic employment growth at regional, metropolitan and local level should include consideration of:
- Current employment location, density of workers, land-take and resource/infrastructure dependency, including town centres, business parks, industrial estates and significant single enterprises;
 - Locations for expansion of existing enterprises;
 - Locations for new enterprises, based on the extent to which they are people intensive (i.e. employees/ customers), space extensive (i.e. land), tied to resources, dependent on the availability of different types of infrastructure (e.g. telecoms, power, water, roads, airport, port etc.) or dependent on skills availability;
 - Locations for potential relocation of enterprises that may be better suited to alternative locations and where such a move, if facilitated, would release urban land for more efficient purposes that would be of benefit to the regeneration and development of the urban area as a whole, particularly in metropolitan areas and large towns.
- 5.3.7. The NPF contains a number of relevant National Strategic Outcomes (NSOs) and National Policy Objectives (NPOs), which can be summarised as follows:
- **NPO 21** 'Enhance the competitiveness of rural areas by supporting innovation and diversification of the rural economy into new sectors and services, including those addressing climate change and sustainability'.
 - **NPO 23** Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together

with other industries including energy and the bio-economy, while protecting the natural landscape and built heritage which are vital to rural tourism.

- **NPO 53** Support the circular and bio-economy including greater use of renewable resources.
- **NPO 55** Promote renewable energy use and generation at appropriate locations.
- **NPO 56** Promotes the sustainable management of waste, investment in different types of waste treatment, and circular economy principles.

5.3.8. **Section 5.4 ‘Planning and Investment to Support Rural Job Creation’** includes a section entitled the ‘Circular Bioeconomy’ which states that while rural and coastal areas have the potential for, and will develop, many types of economic activities, those activities associated with the bio-economy such as development of new bio-refining technologies represent a competitive advantage. The bio-economy comprises ‘the production of renewable biological resources - such as crops, forests, fish, animals, and micro-organisms and the conversion of these resources and waste stream residues, byproducts or municipal solid waste into value added products, such as food, feed, bio-based products and bioenergy’ (European Commission, 2012).

5.3.9. **Section 9.2 ‘Resource Efficiency and Transition to a Low Carbon Economy’** states that in catering for an additional one million people and a move towards alternative energy sources, increased demand for land is likely to include suitable locations for bioenergy supply, waste management, food production, forestry and other land services alongside the need to build more houses, schools and other facilities.

Climate Action Plan 2023 (CAP 23)

5.3.10. CAP 23 is the second annual update to Ireland’s Climate Action Plan 2019. The plan is the first to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings.

5.3.11. The Plan seeks to implement the carbon budgets and sectoral emissions ceilings. It sets a roadmap for taking decisive action to halve national emissions by 2030 and

reach net zero no later than 2050. It notes that the rapid delivery of flexible gas generation is needed at scale and in a timeframe to replace emissions from coal and oil generation before the second carbon budget period.

5.3.12. Chapter 12 of the document specifically relates to electricity. Amongst the many measures set out to meet the challenge of meeting and managing electricity demand is the delivery and acceleration of a flexible system to support renewables and this includes the delivery 'in the order of 2GW of new flexible gas-fired power generation capacity'. The decarbonisation of the electricity sector will be an immense challenge as the country faces a growing demand for electricity and a need to ensure security of supply, while providing support for the decarbonisation of other sectors through the electrification of transport and heat.

5.3.13. At the time of writing this report, the Climate Action Plan 2024 (CAP24) was under preparation. The consultation period for expert evidence to assist in the formulation of CAP24 had recently closed, in July 2023. The Plan will consider and set out proposals for further policies and measures across sectoral areas, including estimations of the associated GHG reductions and increased resilience to locked-in climate change impact. CAP24 will also continue the research and work completed under CAP23 to help meet Ireland's 2030 and 2050 climate ambitions, including in relation to key systemic choices.

5.4. Other National Guidance and Policy Documents

- *Guidelines on the information to be contained in Environmental Impact Assessment Reports (EIAR), 2022*
- *National Waste Policy 2020-2025, A Waste Action Plan for a Circular Economy, 2020*
- *Design Manual for Urban Roads and Streets, 2019*
- *Guidance on Integrating Climate Change and Biodiversity into Environmental Impact Assessment, 2013*
- *Archaeological Code of Practice between the DEHLG and the Irish Concrete Federation, 2009*

5.5. Natural Heritage Designations

No designated European Sites apply directly to, or adjoin, the subject lands.

The nearest European Site is Mouds Bog (Site Code: 002331), which is 2.5km to the northeast.

The distance and direction from the nearest European sites to the appeal site, including Special Areas of Conservation (SAC) and Special Protected Areas (SPAs), are listed in Table 1 below.

Table 1: European Sites

Site Code	Site Name	Distance (approx.)	Direction
<i>Special Area of Conservation (SAC)</i>			
002331	Mouds Bog	2.5km	Northeast
000396	Pollardstown Fen	3.9km	Southwest
001387	Ballynafagh Lake	9km	North
000391	Ballynafagh Bog	10.7km	North
002162	River Barrow and River Nore	14km	Southwest
000397	Red Bog Kildare	15km	East
000210	South Dublin Bay	>65km downstream ¹	Northeast
000206	North Dublin Bay	>65km downstream ¹	Northeast
<i>Special Protection Area (SPA)</i>			
004063	Poulaphouca Reservoir	>65km downstream ¹	Northeast
004024	South Dublin Bay and River Tolka Bay	>65km downstream ¹	Northeast
004006	North Bull Island	>65km downstream ¹	Northeast

¹ Via the Pinkeen Stream and River Liffey.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third party appeal has been received by the Board from Mr. John Lynch (Cloney Castle Farm, Athy, Co. Kildare) (received 21st April 2023). A further third party appeal was also made but subsequently withdrawn in November 2023.

The main grounds of the appeal can be summarised as follows:

- The proposed development is not in accordance with the County Development Plan which seeks to support the development of the food, drink and skills innovation sectors in Athy.
- Athy is a more appropriate location for the proposed development, as it would be closer to the required raw materials, more appropriate sites, has a ready workforce and better access. This would avoid unnecessary traffic and vehicular trips and prevent significant lorry loads of malt being transported from Athy, where the raw product is, to Newbridge.
- Athy is the centre of an expansion of indigenous food production, including arable farming, which is a key driver of expansion under the Climate Action Plan 2023.
- Various environmental impacts, including air, water and land pollution, release of emissions and flooding concerns.
- Tyre particulates and airborne rubber from the M7 Motorway would pollute air, water and soil in the area, including existing waterbodies.
- The diversion of the Pinkeen Stream would result in a loss of biodiversity, including otters, kingfishers, and other species.
- Abstraction of water from the River Liffey could potentially impact the Curragh and surrounding water table.
- The proposed brewery would be welcome in Athy, where thousands of transport miles would be saved, and the carbon footprint of the facility reduced.
- Reiterates issues raised in the previous observation submitted with the Planning Authority.

6.2. Applicant Response

The Applicant lodged an Appeal Response on 22nd May 2023.

From the outset, I note for the attention of the Board that the response includes a modified energy system, which required design changes to the system proposed in the original planning application.

Revised Energy System (submitted as part of appeal response)

The main changes comprise:

- the removal of the woodchip-fuelled steam boilers, as hot water, energy buffering and heat pumps will be used instead,
- a smaller biogas-powered boiler with biogas to be generated onsite by the WWTP,
- the removal of the Combined Heat and Power Plant (CHP) as energy demand will be less than previously expected, and
- installation of a backup electric heater for when the supply of biogas may be interrupted.

The new energy system will require physical changes to the utilities compound and its associated buildings and structures. This is set out in the revised plans and particulars accompanying the appeal response, which include a revised site layout plan, elevations and sections. To assess the proposed changes in terms of their potential effects on the environment, the Applicant has also submitted EIAR and NIS Addendum Reports.

The Applicant states that the proposed changes to the energy system will result in more sustainable resource use and less carbon emissions, a decrease in transport and air emissions / air, and a reduction in the requirement for large equipment and construction related carbon materials. It is also confirmed that there are no other changes to the main brewery facility, WWPT, or ancillary elements, such as the substation, parking / hardstand area, landscaped area, diverted stream and riparian corridor etc.

The physical size and scale of the plant and equipment required for the new energy system will be smaller in comparison with the original system.

Appeal Response

The appeal response makes following main points:

- The Appellant states that the proposed brewery is in the wrong location and that it should be in Athy instead as the town currently distributes malt barley to the brewing facility in St James's Gate (Dublin).
- The number of vehicular journeys would actually increase if the proposed development were to be moved to Athy (see attached MORE Report).
- The NSORR from the R445 to the L2028 is now complete. Therefore construction and operational heavy traffic would not travel through Newbridge as claimed. A condition by KCC also ensures this would be the case.
- The traffic impact caused by the proposed development would be acceptable and would not significantly impact on the operational performance of the surrounding road network or junctions.
- It appears that the lands suggested by the Appellant are in several different ownerships and contain a number of existing businesses and permissions for various activities. Many of these are not referenced by the appellant.
- The subject site is on zoned, serviced lands, within an established business park and therefore appropriate for the proposed development. The required physical infrastructure is in place (transport, water, energy, etc.).
- There is no requirement, policy or otherwise, to deliberate on the advantages or opportunities of locating the proposed development on another site. The Development Plan identifies Newbridge as a Self-Sustaining Growth Town suitable for the development of 'food and beverage products'.
- The EIAR has not considered sufficient alternatives.
- The appellant makes a number of claims in relation to the Pinkeen Stream, and that the proposal would result in a loss of biodiversity and damage its environmental quality. However, the proposed rerouting of the stream and planting of a 10m riparian corridor would result in a biodiversity net gain. This is detailed in the Technical Report attached, which should be read in conjunction with the EIAR and NIS previously submitted.

- There would be sufficient recharge of groundwater under the site without impacting the river to the north. Abstracted water will also be recycled with the balance discharged via the onsite WWTP to the public sewer system and, thus, back into the River Liffey.
- The relevant guidance indicates that airborne pollution from traffic is imperceptible at distances over 200m from a road. The distance between the proposed development and M7 exceeds 1.7km. Therefore, any tyre particulates from the M7 would not have an impact on the air quality or soil of the site.

6.3. Observations

- The Board received an observation from the EPA on 21st November 2023.
- The observation does not object to the proposed development and is similar to the EPA submission received by Kildare County Council (see Section 3.3 above).

6.4. Planning Authority Response

- The proposed development is in accordance with the policies and objectives of the Kildare County Development Plan 2023-2029 ('Development Plan').
- The remit of the Planning Authority is to balance the needs of economic activity in the County with environmental and social considerations. During the process of assessment, the 2023-2029 Development Plan came into effect.
- The proposed development, including EIAR, is in accordance with the relevant policies, objectives and standards of the Plan.
- The proposed development is in accordance with the proper planning and sustainable development of the area.

6.5. Further Responses

A further submission from the Appellant was received by the Board on 3rd July 2023.

The following main issues were raised:

- The improved energy system, submitted as part of the appeal response, is very much welcomed. However, there are still concerns with the proposal.
- The NSORR is not yet taken in charge and there would be traffic problems in Newbridge until such time a second bridge across the River Liffey is built.
- Athy requires this economic investment, more so than Newbridge.
- There are inaccuracies in the Appeal Response regarding the location of certain Natura 2000 sites.
- Tyre particulates from the NSORR would pollute air, water and soil in the area.
- A wide range of biodiversity was noticed in the Pinkeen Stream during a site visit. This would be negatively impacted upon by the proposed development.
- The brewery facility should be in Athy for reasons of sustainability, climate change and transport demands.

7.0 Assessment

7.1. Introduction

My assessment of this appeal case comprises three components:

- Planning Assessment (Sections 7.2 – 7.9),
- Assessment of the EIA (Section 8.0), and
- Assessment of AA (Section 9.0).

In each relevant part of my report, where necessary, I refer to the issues raised in the various submissions to the Board. There is inevitable overlap between some sections; and, for example, some issues raised are relevant to both the EIA and AA sections. However, in the interests of avoiding repetition, the restating of issues and a detailed assessment of same, has generally been avoided and/or minimised.

7.2. Planning Assessment

Having examined the application details and all other documentation on file, including the submissions received in relation to the appeal case, and having

inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principal of the Development
- Location and Setting
- Environmental Impact and Biodiversity
- Transport and Traffic
- Ground Conditions and Drainage
- Water
- Other Matters

7.3. Principal of the Development

- 7.3.1. The proposed development comprises a new purpose-built brewery facility and associated site works. The original application included the following main components: the main brewery facility; a renewable heating plant building; utilities area, welfare and control room; wastewater treatment plant; water recycling plant; water treatment plant; waste storage building and security gatehouse. The proposal was amended as part of the appeal response lodged by the Applicant with the Board on 22nd May 2023 (see Section 6.2 above).
- 7.3.2. In summary, the amended design involves the modification of the proposed energy system serving the facility. This incorporates a shift away from a woodchip-fuelled steam boiler system to a smaller biogas-powered boiler system. The biogas would be generated by the dedicated onsite WWTP which forms part of the overall facility. The combined heat and power plant has now been omitted and a backup electric heater included for when the supply of biogas is potentially disrupted. The response is accompanied by separate addendum reports for both the EIAR and NIS.
- 7.3.3. The anticipated capacity of the overall brewery facility when in full operation would be 2 million hectolitres each year. The facility is intended to operate 24 hours a day, 7 days a week, every day of the year, across three shifts on a daily basis. I note that the full brewing process for each product made will be done so entirely within the facility itself. In other words, no milling, mashing, extract separation, or any other

type of production process will be required offsite. The finished products will be pumped into tankers and transported directly to other Diageo sites in Ireland, or Northern Ireland, for final packaging.

- 7.3.4. Section 5 of my report sets out a wide range of European, national, regional and local policies and objectives aimed at facilitating economic growth, enterprise and job creation; promoting renewable energy; protecting biodiversity and green infrastructure; improving water quality; and resilience to climate change.
- 7.3.5. In terms of national level planning policy, I note that Section 4.4 of the NPF states that at an urban scale, in cities and towns generally, it is important to identify locations where enterprise and business can access competitively priced development lands, utilities and commercial properties to the highest standards available internationally. The subject lands meet the strategic locational considerations identified by this section of the NPF, including the availability of infrastructure, such as power, water, transport links, proximity to an airport / port; access to a skilled workforce; and physical space requirements.
- 7.3.6. At regional level, the RSES for the EMRA states that there are three cross-cutting key principles; one of which is to create the right conditions and opportunities for the region to realise sustainable economic growth and good quality jobs to ensure a good living standard for all. A further principle is the need to enhance climate resilience and to accelerate a transition to a low carbon society.
- 7.3.7. In terms of local policy, I note that the current County Development Plan is the 'Kildare County Development Plan 2023-2029' ('Development Plan' / 'CDP'). The CDP came into effect in January 2023. Chapter 2 under Table 2.7 identifies Newbridge as a Self-Sustaining Growth Town with a moderate level of jobs and services. The Plan recognises that such settlements continue to attract a moderate level of jobs and services through a range of employment types including biotechnology, ICT, high-tech manufacturing and research, bloodstock, tourism and food and beverage products.
- 7.3.8. Section 2.13.1 states that Newbridge to Naas corridor is an important Strategic Economic and Employment Zone for the County. The corridor comprises the Tougher Industrial Estate in Naas and the industrial and Business Park Zone to the north of Newbridge – the subject site falls within the latter. The Newbridge industrial

zone accommodates several global companies such as Pfizer Pharmaceuticals, the Lidl Regional Distribution Centre, DSV Logistics, the Barola/Primark Distribution Centre and Dr. Pepper manufacturing plant.

- 7.3.9. I note the long-term vision for this area between Naas and Newbridge is for two dynamic and vibrant town centres linked by a strong economic corridor focused on the eastern side of the R445. This will evolve over many years – well beyond the horizon of the current Development Plan. The Plan also states it is critical during the lifetime of this Plan, and subsequent Plans, to avoid the emergence of haphazard industrial units, sporadically located on either end of the corridor or at either side of the R445. In this regard, there is an emphasis on the Newbridge Business and Tech Park attracting a higher end profile, with new development having a strong architectural and landscape treatment, and consistent building lines along the eastern side of the R445 (Newbridge to Naas Road). Other types of ‘big box’ style developments (i.e., logistics, bulk warehousing and possibly data centres) should be positioned to the rear, and further east, of the main business park lands.
- 7.3.10. There are several objectives which support large commercial and light industrial uses on the subject lands. I do not propose to reiterate in exhaustive detail all relevant policies and objectives in this section of my report. However, I note that Objective RE O6 seeks to support enterprise and industry, including employment-intensive international business and technology parks, throughout the county. Objective RE O26 is to continue to support and develop the Self-Sustaining Growth Towns of *Newbridge* and Leixlip as an attractor of biotechnology, ICT, professional services, high-tech manufacturing and research employment (emphasis added). Objective RE O34 aims to promote and facilitate the development of the Sallins-Naas-Newbridge Economic Cluster, including the proposed ‘Naas to Newbridge Strategic Economic and Employment Zone’, by supporting identified key sectoral opportunities along with requisite targeted infrastructural investment in accordance with the Regional Spatial and Economic Strategy 2019- 2031.
- 7.3.11. The Newbridge Local Area Plan 2013-2019 (as extended to 22nd December 2021) identifies the site as being zoned ‘H – Industrial and Warehousing’. It states that the purpose of this zoning is to provide for industrial and warehousing uses, which includes the proposed brewery facility.

- 7.3.12. Having regard to the policy context outlined above, it is my view that the proposed brewery, as a largescale, light industrial use, is clearly recognised by national, regional and local policy as a type of development which is acceptable and compatible with the envisaged use of the land (i.e., industrial, warehousing and commercial business activities). It would also be consistent with the various economic development and employment policies in relation to supporting job creation on appropriately identified land in the county and, on a more local level, within Newbridge.
- 7.3.13. Therefore, I consider the proposed development to be acceptable in principle, subject to meeting the other relevant considerations to this appeal case, which are addressed below.

7.4. Location and Setting

- 7.4.1. The Appellant, Mr John Lynch, submits that it would be more appropriate for the proposed facility to be situated at Athy, Co. Kildare for mainly reasons regarding sustainability, transport and energy requirements.
- 7.4.2. The Appellant states that the proposed development is not in accordance with the County Development Plan, which seeks to support the development of the food, drink and skills innovation sectors in Athy. It is put forward that Athy is a more fitting location as it would be closer to raw materials, has a more appropriate setting away from sensitive environmental receptors, has a ready workforce, better access and would be situated next to an existing canning factory for final product packaging. This would avoid unnecessary traffic, reduce the number of vehicular trips generated by the facility and prevent significant loads of malt being transported from Athy – where the raw product (malt barley) is available at the Boormalt factory – to Newbridge.
- 7.4.3. In summary, it is the Appellant's contention that permission should be refused as the proposed development, were it instead based in Athy, would result in reduced carbon emissions due to less mileage travelled, less traffic impacts for the M7 and M9 motorways, allow the brewery to utilise a nearby canning premises and take advantage of a permitted battery storage facility to address its energy demands. It is also stated that Athy needs economic investment more than Newbridge, and by

basing the facility in Athy that this would help alleviate high levels of unemployment in the town.

- 7.4.4. The Applicant confirms in their EIAR that there are roughly four times as many trips required in terms of transporting finished products to offsite destinations when compared with the volume of trips needed to bring the raw product (barley) to the brewery. In this regard, I note that the products are to be transported to destinations at St. James's Gate (Dublin), Dublin Port and Belfast for final packaging and end-market purposes. The subject site at Newbridge is closer to these locations than Athy by roughly 26km, which is further south. The facility would have ready access to both the M7 and M9 Motorways via the NSORR (a dedicated orbital relief road serving the business park lands) and would avoid the need for any heavy vehicles travelling through Newbridge town centre, or residential areas, to access the motorway network. The surrounding roads have adequate capacity to absorb the additional number of vehicular trips which would be generated by the proposed facility (Section 8.13 of my report below addresses this issue in further detail).
- 7.4.5. During my physical inspection of the subject site and wider area, I observed that the section of the NSORR connecting the R445 with the L2028 has now been constructed. Therefore, there would be no need for traffic generated by the construction or operational phases to pass through Newbridge town centre, or any residential areas, as claimed by the Appellant. I further note that the Applicant has committed to using dedicated haulage routes as part of the site works phase and that all HGV traffic will travel via the M7 (Junction 10) when accessing the site. No HGV construction traffic will be permitted to travel via Newbridge town or via the L2028. In this regard, the EIAR (Chapter 14) states that an agreed route between the developer and Planning Authority will be a contractual requirement for the successfully appointed building contractor and communicated to all drivers.
- 7.4.6. I acknowledge that the Applicant refers to 'woodchip obtained from local suppliers' on Page 7 of their 'Technical Report on Third Party Appeals' (dated May 2023). However, I consider this reference was made erroneously and that it does not have any bearing on the issue of traffic for the purposes of this assessment. The omission of the woodchip boiler and use of biogas generated onsite for energy production would, in effect, result in less average daily traffic movements during the operational

stage as woodchip would no longer be required to be brought to the site as a fuel source.

- 7.4.7. I further note that the beer produced by the proposed facility would be a 'high gravity' beer, which means it is strong in alcohol and flavour. It is effectively a concentrated form of beer ready for subsequent dilution with water at the dedicated packaging sites. This approach would significantly reduce the volume of beer produced onsite and, therefore, lead to less heavy vehicles leaving the facility when delivering the end-product to other locations.
- 7.4.8. I consider that the scale and nature of the development proposed is appropriate to the subject site, which is within an existing business park north of Newbridge town centre. I note that the Planning Authority did not require the Applicant to search for alternative sites or properties because it was considered that this would not be necessary. I also do not consider that there is any requirement under the CDP to carry out an exhaustive alternative sites study or comparative site selection assessment, including of Athy, or anywhere else. However, the issue of alternatives examined is a requirement for the purposes of EIA, and I confirm that this is addressed under Section 8.3 of my report below.
- 7.4.9. Furthermore, in terms of assessing the suitability of the site to accommodate the nature of the facility (i.e., light industry), I note that the property forms part of an existing IDA-owned business park which is envisaged by the CDP, and other local planning policy, as appropriate to accommodate this particular type of land use and activity (i.e., manufacturing of food and beverage products). I consider that the proposed new use as brewery facility is compatible with the subject lands and consistent with the County Development Plan policies and objectives in relation to enterprise and employment. I cannot see any policy or objective in the CDP, or otherwise, which identifies Athy as a preferential location for accommodating this type of development over and above the subject site.
- 7.4.10. Conversely, Section 4.4 of the Plan includes an economic development hierarchy for the County. Both Newbridge and Athy are identified as suitable locations to accommodate food and beverage products as a specific sectoral opportunity. However, I consider Objective RE O34 particularly relevant in that it seeks to promote and facilitate the development of the Sallins-Naas-Newbridge Economic

Cluster, including the proposed Naas to Newbridge Strategic Economic and Employment Zone. It proposes to achieve this by supporting key sectoral opportunities along with requisite targeted infrastructural investment, which is in accordance with the Eastern and Midlands Region Area (EMRA) Regional Spatial and Economic Strategy (RSES) 2019-2031.

- 7.4.11. Additionally, I note the comments provided by the Applicant confirming that the proposal has no need whatsoever to be beside a canning factory and that Diageo has several other existing bottling and packaging facilities as part of its wider commercial network. The potential presence of a future battery storage facility at Athy is also not relevant in the assessment of this application, in my opinion, as the proposed facility would operate almost entirely on biogas produced onsite from its dedicated WWTP. The development is expected to have a limited reliance on the national grid for meeting its power demands, and this option would likely only be required when any unlikely and unexpected disruption to the supply of biogas occurs. [See Section 10.4.2.1 of the EIAR 'Climate' for further details.]
- 7.4.12. As noted above, the issue of consideration of reasonable alternatives is addressed under Section 8.3 of my report below. However, I consider that what is required of the Applicant here, under the legislation, is an indication of the main reasons for selecting the preferred site, and a comparison of the likely environmental effects arising. There is no requirement to provide a detailed and specific list of alternative sites examined. In other words, a developer is entitled to provide a broad description of each of main alternatives studied; provided the key environmental issues associated with each are examined.
- 7.4.13. The Applicant confirms that an expansion of the existing St. James's Gate facility in Dublin was discounted at an early stage in the design process. This is because the space is constrained and required for future sustainable energy initiatives and projects in accordance with the Diageo corporate strategy. Five other sites in Co. Dublin and Co. Kildare were assessed for suitability. However, these were deemed inappropriate for various reasons relating to zoning, environmental constraints, difficulties with wayleaves, existing services, and proximity to sensitive residential receptors.

7.4.14. In summary, and in having regard to the provisions of the Kildare County Development Plan 2023-2029, the physical characteristics of the site, including its location within an existing business park, proximity to the M7 and M9 Motorways, and its direct access to a dedicated orbital relief road, I consider that the proposal is appropriate in terms of location, setting and receiving context.

7.5. Environmental Impact and Biodiversity

7.5.1. The Appellant has raised several concerns in relation to environmental and biodiversity impacts.

Diversion of the Pinkeen Stream

7.5.2. The Appellant states that the Pinkeen Stream is a spawning ground for fish and that any diversion of it to facilitate the proposal would result in the loss of biodiversity and damage to fish spawning areas. It is also claimed that it would take up to 100 years to recreate this environment and to replace the biodiversity lost if the stream were moved to facilitate the construction of the proposed brewery. I note that no scientific evidence or supporting assessment has been completed to verify this. However, the Pinkeen Stream is a tributary of the River Liffey and evidence of species have been recorded onsite, including as part of the section of the watercourse traversing the subject lands. Its disruption could therefore potentially lead to certain impacts on the environment and damage to existing habitats.

7.5.3. I note that the Applicant has provided a detailed written rebuttal of the above assertion. The appeal response references sections of the EIAR, EIAR Addendum Report and NIS. It also relies on information included in other supporting reports. Several habitat surveys of the site and other data sources were compiled as part of the application in order to ascertain the baseline condition of the Pinkeen Stream. The work involved site walkovers, surveys and targeted assessments for various species, including amphibians, badgers, breeding birds, wintering birds, kingfishers, bats, otters, white-clawed crayfish, and invasive species. I note that a biological assessment of the Pinkeen Stream was completed by an aquatic ecologist to assess the quality of the stream habitat and its ability to support salmonoid spawning. The aquatic habitat quality of this section of the stream was observed as having a poor ecological condition.

- 7.5.4. In this regard, I would draw the attention of the Board to the Applicant's Technical Report, prepared by Malone O'Regan Environmental, as appended to their Appeal Response (dated May 2023). The Report elaborates on the assessment undertaken as part of the EIAR for the stream, and its habitat, and describes how redirecting the stream along a new route would result in biodiversity net gain (BNG), when compared to the existing baseline situation. In other words, the works would result in improved habitat and opportunities for wildlife once the construction phase has been completed.
- 7.5.5. In terms of aquatic life, I note that a single brown trout and sticklebacks were recorded during the assessment work. The stream was considered too small and shallow for salmon and sea lamprey and no suitable salmonoid spawning habitat was identified within the section of the stream proposed to be redirected. Furthermore, the existing culverted section of the stream goes on for more than 100m and acts as a significant barrier to aquatic life. I understand these subterranean works took place previously to facilitate the construction of the NSORR. The flow of the watercourse is recorded as moderate to slow over a silted substrate. There is evidence of livestock using the stream as a water source with trampled sections of the streambanks evident. I note also that the overall lands which form the subject site were recorded as having a low ecological value. [For further details, refer to Section 6.2 of the EIAR.]
- 7.5.6. During my inspection of the site, I observed that the flow of the stream was indeed slow with many parts appearing to be shallow, only a couple of feet deep; albeit this was during a drier time of the year when recent rainfall had been limited in the preceding days. However, the physical appearance and condition of the site and stream traversing it matched the description provided within the documentation accompanying the application and appeal response. In terms of the contention that both the EIAR and NIS contain only general information, and very limited original site-specific assessment work, I disagree with this. A further criticism of the application, raised by the Appellant, is that insufficient wildlife and biodiversity survey data has been captured, including for kingfisher and otter.
- 7.5.7. Conversely, I am satisfied that both the EIAR and NIS reports provide sufficient information in respect of the relevant baseline conditions for the site and its environs, that they clearly identify the potential impacts that may occur on foot of the

development proposed, and that best scientific information and knowledge has been used in their formulation. Furthermore, the survey information provided includes a clear description of the terrain, habitats and vegetation on the site and this has been completed at the appropriate seasonal times.

- 7.5.8. I acknowledge that the proposed development would result in a direct loss of onsite habitat. Some of this habitat includes existing hedgerows, treelines and vegetation along the affected banks of the Pinkeen Stream. However, I consider that habitat removal would consist mainly of grassland, bare ground, spoil and other areas of ground which have local ecological value only. This is shown to be the case in Table 6-9 of the EIAR. Again, my walkover of the site is consistent with these findings. I consider that proposed layout has adopted a design and layout, which is cognisant of the existing physical attributes of the site, such that a comparatively small amount of hedgerow and trees would be removed, and existing green infrastructural elements for the wider area would not be fragmented or excessively removed.
- 7.5.9. In light of the location and setting of the subject site, and its receiving environment in an area envisaged for further commercial development and employment uses (i.e., an existing business park), I consider the presence of other similar habitat in the surrounding area an important consideration. The adjoining lands to the north, east and south include further green fields, hedges, trees, etc., which are similar to the type of habitat proposed to be removed under the subject application. I consider that when disturbance associated with the construction phase commences, there would be sufficient breeding habitats retained through the existing and adjacent lands.
- 7.5.10. The proposal also comprises the creation of new foraging habitats, ecological corridors, a 10m wide riparian buffer on each side of the stream, a dark corridor to allow bats to move from one point to another without disturbance, and extensive monitoring commitments to help ensure potential impacts during the construction and operational phases can be avoided and/or ameliorated. I further note that the diverted section of the stream has been designed to improve the riparian habitat by creating a channel that will increase the rate of flow, thus, making living conditions more favourable and capable of being able to support a greater number and variety of species. These works were discussed and agreed in consultation with Inland Fisheries Ireland, as a statutory consultee to the application process, and whom I note raised no objection to the proposal, subject to conditions.

- 7.5.11. The conditions include *inter alia* that a detailed design and method statement for surface water outfalls be submitted to IFI for approval, ongoing and regular maintenance of silt traps and oil interceptors during the construction and operational phases (including a requirement to have an annual maintenance contract for efficient operation of the interceptors), that IFI must be consulted directly in relation to all matters concerning fisheries and surface water quality, and that an Environmental Clerk of Work (ECoW) must be appointed to oversee site works. I consider the conditions appropriate, and it is my submission to the Board that they are appropriate for inclusion as part of a potential decision to grant permission.
- 7.5.12. In terms of the proposed 10m riparian corridor on either side of the stream, I note that the IFI publication 'Planning for Watercourses in the Urban Environment' includes a section entitled 'Four Steps to Good Riparian & River Planning for Urban Areas'. It states that the recommended buffer zone width for smaller rivers and channels is 20m or greater. The document also states the determined width should be tailored to site specific circumstances and that it is important for the zone to be wide enough to protect the ecological integrity of the river (including emergent, marginal and bankside vegetation), and to consider the human history of the area.
- 7.5.13. I note that a 10m streamside zone has been provided for each side of the affected waterbody, equating to an overall buffer zone width of 20m, which is in accordance with the graphic shown on Page 10 of the IFI document. I do not consider that the additional middle zone, used for bike paths, footpaths, and public amenity purposes, should be a requirement in this instance, however, on what is a privately-owned commercial property. I note also that IFI were consulted as part of the pre-application stage of the project and that they provided guidance in terms of the design and layout for the diverted section of the stream. I reiterate that the IFI has raised no objection to the proposed development.
- 7.5.14. The proposal would be subject to compliance with the implementation of various surface water management arrangements and adherence to best construction practices through an agreed CEMP and sustainable surface water management. For example, I note Condition 18 of the Planning Authority's NoD to Grant Permission requires an assessment be carried out with a view to replacing the proposed attenuation pond with a constructed wetland. Such wetlands would typically comprise a primary settlement tank for the collection of wastewater and, stemming

from that, several ponds accommodating wetland plants, reeds and rushes. The wetland would be carefully planned to integrate with the natural surrounding landscape and use natural materials, such as native trees, plants, soil, stone and sand. I consider such a feature would make an important contribution as a natural ecosystem to help support aquatic plants and conditions and sustain the development of moist hydric soils. I note that the Applicant has not raised any concerns with adhering to, or implementing, such a condition in their appeal response.

- 7.5.15. In my view, such practices are in accordance with Chapter 12 'Biodiversity and Green Infrastructure' of the Kildare County Development 2023-2029 and should be seen as a positive opportunity in terms of contributing to a cleaner and more sustainable way in which to treat effluent. This includes Objective BI O1 which requires, as part of the development management process, the preparation of an EclA to adequately assess the biodiversity resource within a development site, to avoid habitat loss and fragmentation, to integrate biodiversity into the design and layout of new development and to increase biodiversity as part of the development proposed. The proposal, in my opinion, would also be compliant with Objective BI O2 of the CDP, which encourages the creation of green corridors within industrial scale developments to protect wildlife habitat value (including areas that are not subject to public access), and that of Objective BI O27, which requires the appropriate management of hedgerows, and to require infill or suitably sized transplanted planting, where possible, to help ensure green infrastructure networks remain uninterrupted.
- 7.5.16. In relation to the concerns raised that the NIS does not identify the catchment area of the Pinkeen Stream, I do not consider that the inclusion of such information is required for Appropriate Assessment. Appropriate Assessment is concerned only with potential adverse effects of a plan or project, in combination with other plans or projects, on European Sites (i.e., Special Areas of Conservation and Special Protection Areas). As the Pinkeen Stream is not part of the Natura 2000 network, no direct assessment is required if it is required as part of the NIS. However, notwithstanding this, I note that the application includes a biological assessment of the stream, which is set out as part of Chapter 6 of the EIAR. [This is discussed in further detail under Sections 8.5 and 8.7 of my report below.]

7.5.17. In summary, I consider that the proposed development incorporates a sound and comprehensive strategy to develop the land by adopting a sensitive environmental approach. It would contribute positively to the local environment by creating new habitats, newly planted green space, and more favourable aquatic conditions, in my opinion, and which would help deliver improved opportunities for biodiversity and better overall environmental conditions.

Air Pollution (Particulate Matter)

7.5.18. The Appellant has a concern that tyre particulates and airborne rubber generated from vehicles travelling to / from the proposed facility, and using the surrounding roads network, including the M7 Motorway and NSORR, could pollute air, water and soil. I acknowledge that tyre particles have the potential to be a source of pollution, as they can contain a wide range of toxic compounds, including carcinogens. Very fine particles can be thrown off tyres as they wear on the road in the form of tyre dust and land as sediment.

7.5.19. The Applicant, in response, states that the relevant guidance indicates that the airborne dust pollution arising from traffic is imperceptible at distances of above 200m from a road. I estimate the distance between the subject site and the M7 to be roughly 1.7km, meaning that tyre particulates from the M7 are unlikely to have an impact on the subject lands. I further note that the EIAR (Chapter 9) addresses the issue of air quality and emissions and that several mitigation measures are proposed in this regard to address potential impacts arising.

7.5.20. The Technical Report by Malone O'Regan Environmental also notes that the issue of particulate pollution from tyres would not be overcome or improved by locating the development at Athy, which I concur with. The report further states that the potential for particulate pollution would likely increase if the development were relocated to Athy, as such pollution is proportional to the distance travelled, and the Athy location would increase the requirement for overall distances covered.

7.5.21. Lastly, I am not aware of any regulations on the expiration rate of tyres and understand that there is limited governance at present on the type of chemicals used in their physical makeup. In any case, such matters would be the subject of a separate code and lie outside the remit of the planning system.

Carbon Emissions, Raw Materials, and Expansion of the Agricultural Sector

- 7.5.22. The Appellant states that the EIAR fails to include any information regarding the origin and destination of the raw materials required to be transported to and from the facility. Their main concern is linked to the potential negative effect of carbon emissions generated by the proposal and how this may result in environmental impacts.
- 7.5.23. The EIAR accompanying the application assesses the potential impacts arising from the consumption of raw materials. This is addressed under Chapter 15, which is in relation to natural resources, energy and waste. The main ingredient required by the brewery is barley and malted barley, which will be delivered to the facility in their natural stage. The intention is to source these ingredients from local sources, including from Athy, which is roughly 35km from the site. As the proposed development seeks to switch the production of select products – i.e., various beers and lagers – from the existing main brewery facility in Dublin to Newbridge, it is not likely to affect raw material supply in any significant way. I further note that by-products arising from the production process will be carefully monitored.
- 7.5.24. The treated wastewater from the facility, upon leaving the proposed WWTP, will discharge into the public sewer network. From there it will continue for final treatment in an urban wastewater treatment plant which, as confirmed by Uisce Éireann, has adequate capacity. I note that only clean, uncontaminated stormwater will be released into Pinkeen Stream. Therefore, the potential for eutrophication of the stream, or any other watercourse, is highly unlikely, in my opinion. [I further note that Chapter 10 of the EIAR addresses the issue of climate and includes an specific assessment of GHG's in terms of nationwide targets and sectoral emission limits in the context of global climate change.]
- 7.5.25. There may be potential indirect impacts in terms of emissions associated with the production of raw materials required in the brewing process (for example, the cultivation of barley and hops and transportation of these inputs from various other destinations). However, the requirement for raw materials would be mitigated by the efficiencies built-in as part of the new facility, in my opinion, which is a modern and purpose-built brewery and Diageo's sustainability action plan ('Society 2030: Spirit of Progress'). I also consider that the potential for emissions is already accounted for

and regulated through the national Climate Action Plan and as part of the wider beverage and drinks industry.

- 7.5.26. Therefore, it is my view that the potential effects of raw materials production are too far removed and detached from the development proposal in site-specific terms and that it is not a requirement for the purposes of Environmental Impact Assessment or Appropriate Assessment.

Use of Chemicals

- 7.5.27. In relation to the use of chemicals as part of the facility, I note that these are standard and required for the efficient operation of the onsite WWTP. There is no reference within the application to any potentially dangerous chemicals needed as part of the production process, or any other substances, which would be likely to give rise to hazardous waste or the release of toxic emissions either during the normal operation of the facility or as part of an accident.

- 7.5.28. As such, I consider that the proposed development does not include the use, or creation, of dangerous chemicals or emissions and that the WWTP follows a conventional, standard method for treating wastewater.

7.6. Transport and Traffic

- 7.6.1. The application and EIAR is accompanied by a detailed traffic assessment. The assessment identifies the existing traffic conditions around the site, the predicted future traffic demand generated by the facility, vehicular routes to be taken by HGV's (during the construction and operational phases), and mitigation measures to be implemented to help ensure the safety and efficiency of the surrounding road network.

- 7.6.2. I note it is a third party contention that the proposed development will result in serious traffic congestion, unless there is a major upgrade for the section of road situated between the M7/M9 Junction and subject site. I have examined the traffic data and information included as part of the application and EIAR and do not concur with this position. I consider that appropriate controls and arrangements have been set out and established as part of the proposal which would prevent excessive vehicular queueing, or very high volumes of traffic being generated, meaning the capacity of the surrounding road network would not be compromised.

- 7.6.3. The EIAR (Chapter 14) assesses all relevant junctions in the vicinity of the subject site, including R445/IDA Business Park (the eastern end of the NSORR), the NSORR/Lidl Distribution roundabout (which is also the location of the proposed access for the new brewery), the L2028/NSORR roundabout (the western end of the NSORR), the R445/L2028 roundabout and the R445/R416/Canning Place junction.
- 7.6.4. I have reviewed the relevant sections of the EIAR in this regard, and note that all of the above junctions, except the R445/R416/Canning Place junction, will continue to operate within capacity up to 2039. (The Year 2039 is noted in the EIAR as ‘the latest year’ for which traffic modelling projections were undertaken).
- 7.6.5. I note that the Canning Place junction is expected to exceed capacity by 2024. This is before the proposed development becomes operational. However, I consider that the facility would not have a significant impact on the operational performance of this junction. This is because of the direction of the envisaged future haulage routes, and delivery paths serving the facility, which would avoid Newbridge town centre and other built-up areas.
- 7.6.6. The EIAR confirms that the only location amongst the above-listed junctions which is expected to experience a significant volume of HGV traffic is the NSORR/Lidl distribution roundabout. At present, heavy goods vehicles contribute to roughly 23% of the traffic passing through this junction. It is reasonable to assume that the high volume of HGV traffic at the NSORR/Lidl roundabout is due to traffic linked to the Lidl Distribution Centre and deliveries entering and exiting the premises. I note that for the other locations, including for each end of the NSORR, HGVs are not expected to exceed a 5% change in traffic levels on foot of the development proposal.
- 7.6.7. I consider that the greatest traffic impact would likely be experienced during the construction phase, which is estimated to last for a duration of 20 months. A temporary construction access point from the NSORR will be in place for duration of these works. The EIAR includes a forecast of daily construction traffic indicating that the highest number of daily HGV trips would be experienced during Stage 2 of the works, which comprises groundworks and cut and fill. This involves importing infill material to the site over a four-month period and equates to roughly 160 no. truck movements per day. The activity would last for approximately 4 months. The highest predicted number of workers onsite for peak times during the construction phase

would be c. 400 no. people. However, it is expected that most workers will arrive onsite together, in small numbers and use shared transport (car pooling etc.).

- 7.6.8. Other stages of the construction phase would comprise far lower traffic volumes, however. For example, Phase 6 which spans roughly 10 months includes the installation of mechanical / electrical equipment and fit-out works. The number of average daily HGV trips is predicted to be no more than two in number during this period.
- 7.6.9. In terms of potential traffic impacts south of the site, towards Newbridge, I note that KCC included a condition (No. 22(b)) under their NoD to Grant Permission requiring all HGV traffic travelling to and from the site must be from the NSORR and utilise a right out/left in arrangement only. This applies to both the construction and operational phases. The construction phase is also required to adhere to specific hours of operation and that adequate off-carriageway parking facilities for all construction-related traffic must be provided.
- 7.6.10. There is no formal requirement for the application to consider other sites served by other forms of transport, or to complete a comparative assessment between emissions arising from transport alternatives, such as by train, in my opinion. The Applicant has demonstrated satisfactorily, in my view, that the subject site is appropriate from a traffic, transport and access perspective.
- 7.6.11. In summary, and in having regard to the location of the site on lands forming part of an existing business park, and which are envisaged for future industrial expansion, the proximity to the national motorway network and Newbridge South Orbital Relief Road, and the measures proposed to reduce the demand for travel and alleviate the potential for adverse traffic impacts, I consider that the proposed development would be acceptable in terms of traffic safety and would not be prejudicial to public health.

7.7. Ground Conditions and Drainage

Construction Methodology

- 7.7.1. I note that the application and EIAR confirm that piling will form part of the site works phase. This process comprises driving foundations into the ground underneath the proposed structures. The piles shift the weight of the buildings to the ground and help provide structural support and stability. I consider that the piling work required

as part of the construction phase is likely to be the most impactful activity from a noise and vibration perspective. However, it is not an uncommon type of construction methodology for a development of this size and scale. Its primary purpose is to ensure the strength and safety of the site in terms of being able to safely accommodate the extent of physical works proposed.

- 7.7.2. The proposed stabilisation works are assessed under Chapters 7 and 9 of the EIAR, which are Soils & Geology and Air, respectively. The subject lands and the surrounding receiving environment are also assessed in terms of biodiversity, noise and vibration, water, and landscape and visual impact, where potential impacts in terms of both the construction and operational phases are considered. The details of the proposed piling layout showing the typical location of where the piles would likely be positioned, and a substrate structural section illustrating sub-surface works, are shown in the drawing entitled 'Typical Piling Layout' (drwg. no. W21054-MOR-ZZ-XX-DR-CE-C036).
- 7.7.3. I note that a detailed Ground Investigation (GI) was undertaken to establish the soil and rock profile and parameters for geotechnical and environmental purposes. The GI found that there is a high water table on the site, which, I consider is not unexpected given the presence of the Pinkeen Stream. The soil conditions were also observed as being relatively soft due to capillary action drawing water up through the soil.
- 7.7.4. Arising from the site conditions, several different piling options were considered by the Applicant, with precast concrete piles the preferred solution. This methodology would avoid pouring concrete below the water table, which could otherwise result in potential contamination of groundwater and resultant negative effects on biodiversity.
- 7.7.5. The process of driving piles deep into the ground can result in noise and vibration being experienced by the receiving environment. In many cases, the use of impact hammer driving, vibratory hammer driving, or hydraulic press-in driving techniques can be employed. Whilst noise and vibration impacts cannot be eliminated entirely, they can be mitigated to an acceptable level through the various construction methods available. This includes, for example, erecting temporary acoustic barriers onsite to shield sensitive receptors, installing shrouds around piling hammers, restricting the time and duration for when noise is generated, pre-auguring and

loosening the ground and soil before piling commences to decrease the number of pile hammer strikes required.

- 7.7.6. Condition 32 attached under the Planning Authority's Notification of Decision to Grant Permission is in relation to the control of noise during site works. It requires that construction noise levels must not give rise to sound pressure levels (Leq 15 minutes) measured at noise sensitive locations exceeding 70dB(A). In this regard, the Applicant confirms as part of their response to the Board that by incorporating standard mitigation measures, and given the distance to the closest residential properties to the site, noise generated during site works can be controlled to meet typical construction noise limits of L_{AeqT} 65 or 75dBA during the day. This information is set out under Chapter 11.5.1 of the EIAR.
- 7.7.7. The proposed ground works would require the removal of certain habitats mainly consisting of grassland, bare ground, spoil and areas of ground which have local ecological value only. However, I consider that the proposed changes to the site, including the creation of new foraging habitats, ecological corridors, new riparian planting, and various monitoring commitments, would contribute to improved biodiversity over time.
- 7.7.8. In summary, I consider that the construction method of using piling foundation work to distribute the weight of the proposed facility across a wider surface area acceptable in this instance and that there would be no unacceptable negative impacts arising in relation to noise, vibration or biodiversity.

Drainage

- 7.7.9. The Appellant states that the site may be prone to flooding and this is a concern not adequately addressed by the application. I consider that it is possible the land has been drained over the years so that its water depths have been reduced and habitats degraded as a result.
- 7.7.10. The application makes similar references to the physical changes made on the site to accommodate modern-day agricultural practices. This matches my own observations of the land, made during my site inspection, where it was apparent various types of rudimentary drainage measures have been implemented, including the construction of informal crossing points across the stream to potentially facilitate the movement of vehicles and livestock. As identified by the Appellant, the land may

formerly have provided a degree of attenuation for flood waters, and this may have provided appropriate habitat for mammal foraging, shelter and resting purposes.

- 7.7.11. However, I consider that such potential historic anthropogenic influences on the land on, and around, the site are not relevant for the purposes of assessing this appeal case. I agree that such physical changes and the evident problem of fly-tipping could potentially have had a negative effect on the quality of the Pinkeen Stream. However, these activities are not connected to the proposed development; albeit, they have contributed to the baseline conditions of the watercourse, for which potential impacts of the proposal ought to be measured against.
- 7.7.12. As noted previously in my report, the diversion of the Pinkeen Stream has been designed in consultation with IFI. The proposal to plant a deep riparian zone on either side of the stream and the creation of a channel to increase flow velocity would provide better opportunities to support biodiversity and lead to improved terrestrial and aquatic habitats, in my opinion. The application does not seek to abstract any water from the Pinkeen Stream, and I consider that the illegal practice of waste items being discarded on the site by unknown sources would be less likely to occur once security of the property is improved.
- 7.7.13. In terms of flood risk, I note that a Site-Specific Flood Risk Assessment (SSFRA) was completed as part of the application. The SSFRA found that the proposed development is acceptable from a flood risk perspective. I concur with its findings noting that the site is not at significant risk of fluvial flooding. Furthermore, the drainage approach employed by the proposal incorporates SuDS measures to ensure stormwater runoff will discharge at greenfield rates, as noted in the EIAR (Chapter 8 'Water').

7.8. **Water**

Water Abstraction

- 7.8.1. The Appellant asserts that the proposed development would extract large volumes of water from the River Liffey, which is less than a mile away, and that this would present a risk of destroying the Liffey water table and impacting the Curragh and Pollardstown Fen (designated site). They also state that the area is already under heavy pressure due to excess extraction and leakage from Irish Water pipes in the

area. A further concern, from a separate third party, is that the proposed abstraction of groundwater would potentially impact on the Pinkeen Stream, thus, reducing its flow, concentrate pollutants and threaten wildlife.

- 7.8.2. I note that there is no intention as part of the application to take water directly from the River Liffey, or from the Pinkeen Stream, the latter is a tributary of the former. However, I acknowledge that the practice of drawing excessive and uncontrolled amounts of water directly from a natural resource, such as a lake, spring, or river, can potentially have long-lasting and damaging environmental effects.
- 7.8.3. The site overlies two regionally important aquifers which are a sand and gravel aquifer and deeper bedrock aquifer. The EIAR (Chapter 8) confirms that hydrogeological testing has been carried out as part of the application and that the amount of water required to be abstracted from the underlying sand and gravel aquifer would be by sustainable means and not comprise a large volume. This is because the amount of drawdown is comparatively small and would be from a high yield aquifer. The EIAR (Section 8.4.2.1) confirms that the proposed groundwater abstraction process will not affect the status of the River Liffey. I note also that the River Liffey runs between the subject site and the Curragh and Pollardstown Fen. Therefore, the River Liffey acts as a physical divide cutting off any hydrological connection between the site and these sensitive ecological systems.
- 7.8.4. I note that the water recycling measures forming part of the development reduces the freshwater requirement to approximately 1,200m³ per day. The primary source of water would still be drawn from the public water supply (i.e., the Ballymore Eustace Water Treatment Plant). However, Uisce Éireann has confirmed that there is adequate capacity with their network to serve the facility and has stated no objection to the proposal. This is set out as part of their observation to the Planning Authority where UÉ state that the required amount of water for employee use is available. Whilst the overall water network would require certain infrastructural upgrades, such as the installation, replacement and maintenance of underground pipes and conduits, such works would be relatively standard in nature and considered routine within an existing, serviced business park earmarked for expansion. In this regard, I would direct the Board's attention to the Confirmation of Feasibility (CEP) provided by Uisce Éireann dated 25th October 2022, and which is on file.

7.8.5. I further note that the EPA is required to maintain a current record of all water abstractions that are over 25,000 litres per day. This stems from a requirement of the EU Water Framework Directive (2000/60/EC). The Applicant confirms that the amount of water to be abstracted will be subject to a licence issued by the EPA. The EPA has not raised any objection to the proposal in their correspondence to either the Planning Authority or the Board (see Sections 3.3 and 6.3).

7.9. Other Matters

Section 50 Application / Separate Codes of Legislation

7.9.1. I note that there may be a requirement for a Section 50 application to be made to the Office of Public Works for consent under the Arterial Drainage Act (1945) for the diversion of the Pinkeen Stream.

7.9.2. In this regard, I would refer the Board to section 34(13) of the Planning and Development Act (2000) (as amended), which states that a person is not entitled solely by reason of a permission to carry out any development. Therefore, if an applicant needs consent under another code, a grant of planning permission does not obviate such a requirement. The Board may wish to attach a condition requiring the Applicant to provide a Section 50 consent to the Planning Authority for the proposed diversion of the Pinkeen Stream, prior to commencement of development. However, such a condition would not be necessary, in my opinion.

7.9.3. I further consider that it should be clearly understood that the granting of planning permission does not release the Applicant of the responsibility to comply with any requirements specified under other forms of relevant legislation affecting the proposal. For instance, and in this case, a separate consent in the form of an Industrial Emissions Licence (IEL) from the EPA may also need to be secured.

7.9.4. In this regard, I note the observation made by the EPA to the Board (dated 21st November 2023), which states that the proposed brewery facility may require such a licence under Class 7 of the EPA Act and that EPA would be responsible for overseeing the operation of the activity. The observation goes on to say that under Section 87(1D)(d) of the EPA Act, the Agency cannot issue a 'Proposed Determination' on a licence application until such time a planning decision has been made for the subject development proposal. I further note that the EPA may be

required to licence other certain types of activities for waste, including that of emissions and various environmental management practices, but I would again emphasise that such a process is not a prerequisite for planning permission.

Revised Design (Energy System)

- 7.9.5. I have reviewed the plans and particulars of the amended design which form part of the first party response. I have examined the changes in design, layout, scale and elevational appearance arising due to the revised energy system and its designated compound area. I do not consider the proposed new version of the plant and equipment to be so physically different when compared with its initial design, such that permission should be refused on this basis, or that third party rights have been undermined in some way.
- 7.9.6. The revised energy system is similar in size and scale to its precursor, albeit smaller and with a reduced footprint on the site. I am satisfied that the revised proposal submitted at appeal stage has not unduly prevented parties from having adequate opportunity to make representations as part of the planning process. Whilst the Board has the option to invite the Applicant to readvertise, as appropriate, I do not consider that this should be required in this case.

8.0 Environmental Impact Assessment

8.1. Introduction

Requirement for Environmental Impact Assessment (EIA)

- 8.1.1. The proposed development comprises a new purpose-built brewery facility and associated site works with a total GFA of c. 11,552sqm. The brewery would have an annual production of c. 200,000m³ of beer per annum, which equates to approximately 200,000 tonnes. The subject lands are greenfield and fall within the IDA Newbridge Business and Technology Park. The site is currently used for agricultural purposes and has an overall area of approx. 21.3ha.
- 8.1.2. Directive 2014/52/EU sets out the requirements for EIA in terms of potential effects on the environment for certain types of projects. Annex 1 of the Directive lists projects for which an EIA is mandatory. Schedule 5 of the Planning and

Development Regulations, 2001 (as amended) ('the Regulations') sets out the project types and development thresholds which are subject to EIA.

- 8.1.3. The provisions of Part 1 of Schedule 5 of the Regulations do not apply to the proposed development. However, Section 7(d) under the heading 'food industry' does apply:

7. Food Industry

(d) Installations for commercial brewing and distilling; installations for malting, where the production capacity would exceed 100,000 tonnes per annum.

- 8.1.4. Therefore, there is a mandatory EIA requirement for the proposed development as it is an installation for commercial brewing exceeding 100,000 tonnes per annum.

EIAR: Contents

- 8.1.5. The application includes an Environmental Impact Assessment Report (EIAR). Several issues discussed within this section of my report have already been addressed in the preceding Planning Assessment section. This section of my report should therefore be read, where necessary, in conjunction with relevant sections of Section 7.0 above.
- 8.1.6. The EIAR contains three volumes, which are (1) Non-Technical Summary (NTS), (2) EIAR (full version) and (3) Appendices 1-15. Chapters 1-3 inclusive set out an introduction, the planning context and need for the proposed development, and a description of the proposed development, respectively. Chapter 4 sets out the alternatives considered and studied leading up to selecting the application site. Chapters 5-16 comprises the assessment of environmental impacts, together with an evaluation of their significance and a description of any mitigation measures proposed to minimise potential impacts.
- 8.1.7. Chapter 17 is a summary of the major interactions between environmental impacts on the various factors considered, while Chapter 18 outlines the overall schedule of commitments which the Applicant has agreed to enter, and comply with, subject to permission being granted. Volume 3 of the EIAR provides appendices in the form of drawings, subject-specific supporting documents, and supplementary assessment reports. I am satisfied with the contents of the EIAR and NTS.

- 8.1.8. This section of my report assesses the information contained in the EIAR. It includes an independent and objective environmental impact assessment (EIA) of the proposed project in accordance with the requirements of the relevant legislation. It also addresses the potential environmental impacts of the proposed development during the construction and operational phases of the development.
- 8.1.9. In carrying out an independent assessment, I have examined the information submitted by the Applicant, including the EIAR, as well as the written submissions made to the Board including, from the Planning Authority, prescribed bodies and members of the public. [This section should be read in conjunction with the planning assessment above and the Appropriate Assessment in Section 9.0 below.]
- 8.1.10. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality; that the information contained in the EIAR and supplementary information adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment; and that it complies with article 94 of the Planning and Development Regulations 2001 (as amended).]
- 8.1.11. A Stage 2 NIS Report accompanies the application.

8.2. Project Description

- 8.2.1. The proposed development is for a new brewery facility to produce a variety of beers and lagers for the commercial market. Including the main brewery process building, the application also includes a renewable heating plant building; utilities area, welfare and control room; wastewater treatment plant; water recycling plant; water treatment plant; waste storage building; and security gatehouse.
- 8.2.2. The facility would operate within a commercial business park that is situated on lands zoned 'H – Industrial and Warehousing' under the Newbridge Local Area Plan 2013-2019 (extended to 22nd December 2021). There is an history of established commercial and light industrial activity on the adjoining business park lands. The park is controlled and managed by the IDA and represents a significant economic and employment hub which is strategically positioned at the confluence between the M7 and M9 Motorways. The Newbridge South Orbital Relief Road (NSORR) runs directly through the centre of the IDA lands and along the western boundary of the

site. The facility would therefore have ready access to the national motorway network. There is a general absence of nearby sensitive land uses, such as dwellings or dense urban areas; albeit there is a small enclave of residential houses to the east of the site on the far side of a large commercial plantation of ash trees. The Pinkeen Stream runs through the subject site, and under the NSORR to the west, via an existing culvert. It is a small, slow-moving tributary of the River Liffey. The diversion of the Pinkeen Stream is proposed as part of the proposed development, and I note that this is a recurring concern raised by the third party.

8.2.3. A full description of the proposed project is set out under Section 2.0 of my report above and within the EIAR itself.

8.2.4. The main issues raised specific to EIA in the context of the proposed development comprise potential impacts in terms of spills/leaks, air emissions, noise, impacts on water, potential loss of biodiversity and generation of traffic. These issues are addressed below under the relevant chapter headings and in the reasoned conclusions and recommendation, as appropriate.

8.3. Examination of Alternatives

8.3.1. The requirement to consider alternatives within an EIAR is set out under Annex IV (2) of the EIA Directive (2014/52/EU) and Schedule 6 of the Planning and Development Regulations, 2001, as amended ('the Regulations'), and which state:

'A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment.'

8.3.2. Therefore, in having regard to the above, the consideration and presentation of the reasonable alternatives studied by the project design team is an important requirement of EIA.

8.3.3. I note that the examination of alternatives typically refers to alternative design, technology, location, size and scale. I note that it is acceptable for an Applicant to provide a broad description of each main alternative studied and the key

environmental issues associated with each. In this regard, I note Schedule 6, para. 2(b) of the Regulations which states the following information is required:

‘a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects’.
(emphasis added.)

8.3.4. In this regard, reasonable alternatives may include design, location, size and scale, as relevant to the proposed development and its particular characteristics. The Regulations require ‘an indication’ of the main reasons for selecting the preferred option and a comparison of the environmental effects likely to arise for each. There is no requirement to provide a detailed inventory or specific list of alternative sites as part of the EIAR. In other words, it is sufficient for a developer to provide a broad description of each main alternative studied – provided the key environmental issues are properly examined and assessed.

8.3.5. I note that Chapter 4 of the EIAR (and Section 4 of NTS) includes a review of alternatives considered.

8.3.6. The following forms the main alternative options which were considered as part of the EIAR process undertaken by the Applicant:

Alterative Locations

- The expansion of the existing St James’s Gate facility in Dublin was discounted at an early stage in the design process. This was because the proposed development would consume the space required for future energy conservation initiatives and projects and, therefore, be against Diageo’s sustainability objectives outlined in Society 2030 (the company ESG Action Plan).
- The evaluation of different sites for the proposed facility focused on Counties Dublin and Kildare. This was due to their proximity to St. James’s Gate, Dublin Port, availability of good road infrastructure and proximity to source raw materials. These counties were shortlisted also because of the historical connections to the Guinness family.

- Five different sites were considered as part of this process but ultimately discounted.
 - Two sites in north County Dublin were discounted due to unsuitable zoning, they were brownfield sites with potential legacy issues, environmental constraints, potential difficulties with wayleaves and existing services on the land and proximity to residential receptors.
 - Two sites in south County Dublin were discounted due to potential difficulties with wayleaves and existing services on the land, proximity to ecological sites, proximity to sensitive receptors and archaeological constraints.
 - One site in County Kildare was discounted due to proximity to protected ecological sites, proximity to sensitive environmental receptors, flood risk and restrictions to access.
- I note that a third party raised a concern in that the Applicant is required to inform the public of any alternative locations considered. The question is posed whether the proposed facility could be accommodated on other lands, other than the subject lands, and which would not require diverting the Pinkeen Stream. I have reviewed the relevant section of EIA Directive (2014/52/EU) and note that it requires *'a description of the reasonable alternatives (for example, in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project'* (emphasis added). It does not require that each of these categories be examined in exhaustive detail, or for any of the alternative locations to be specifically identified by name or address. However, I acknowledge that the Applicant states one such option was to expand the existing brewery at St. James's Gate, Dublin.
- I note that no other candidate sites considered as part of the site selection process are specifically identified in the EIAR. However, I am satisfied that adequate information has been provided in terms of demonstrating that the subject lands are optimum in terms of the meeting the requirements required for the proposed facility, and in terms of potential environmental impacts, as discussed below.

- In terms of diverting the Pinkeen Stream, and potential impacts arising, this is examined in further detail below, including under Chapters 6 (Biodiversity), 7 (Soils and Geology) and 8 (Water).

Alternative Technologies

- The original application proposed a woodchip fuelled boiler system as its primary energy system. However, this was omitted and replaced with an alternative energy design as part of the information submitted with the EIAR Addendum Report lodged with the Appeal Response.
- The revised, improved energy system comprises a smaller biogas-powered boiler to be fired by the onsite WWTP. This system is an alternative to utilising a conventional gas steam boiler system and would have reduced energy consumption in terms of thermal and electrical power demands.
- The proposed brewery will use a new technology for the water and wastewater treatment systems. A key aspect of this system involves minimising water use through water recycling and reducing sludge.

Alternative Design and Layout

- The Applicant considered several different designs, layouts and configurations. The considerations were primarily based on minimising potential impact on archaeology and biodiversity, avoiding loss of production efficiency and ensuring good internal road layout, design and access.
- I note that several different site layout options are set out under Section 4.3.2 of the EIAR (Figures 4-1 to 4-5, respectively).
- Section 15.9.2 of the County Development Plan requires new industry and warehousing development to present a good quality appearance, assisted by landscaping and planting and use of high-spec building finishes. I consider that the proposal is consistent with this requirement.

Alternative Design for the Pinkeen Stream Diversion

- The Pinkeen Stream is proposed to be partially diverted as part of the application. It has undergone a series of physical changes and anthropogenic

interventions over previous years, including large sections being culverted to accommodate farming practices and more recent roadworks.

- In terms of accommodating the proposed brewery facility, the Applicant considered the following:
 - Culverting a large section of the stream traversing the site. However, this option was excluded as it would remove the opportunity to enhance the watercourse in terms of biodiversity.
 - Redirecting the stream along the southern boundary of the site. This option was presented in a previous masterplan for the lands, but before the orbital road had been constructed (which includes culverts). Also, the Barola Capital DAC / Primark warehouse and distribution centre has permission for outfalls into the stream in this location. Therefore, the Applicant also discounted this option.
 - The option to redirect the stream along the northern boundary of the site was selected as the best alternative. This option maximised the distance that the waterbody could be left open. There is also sufficient space to provide a 10m riparian buffer on either side of the stream which would help enhance biodiversity.

The 'Do Nothing' Alternative

- Section 4.7 of the EIAR notes that the site is undeveloped greenfield lands which are zoned for industrial and warehousing purposes.
- The site is also within the IDA Newbridge Business and Technology Park, which is envisaged under local policy to accommodate future industrial and commercial uses. It is therefore highly unlikely that it would remain in agricultural use.
- The 'do nothing' alternative would result in the project not proceeding. This would prevent certain limited environmental benefits occurring, such as use of energy and natural resources, generation of waste, air and water emissions, and traffic impacts. However, this scenario would adversely impact opportunities for economic development and employment and their associated social benefits.

- I note also that given the setting of the site within an established business park, with access to existing supporting infrastructure and services, it is likely that some form of commercial development on these lands would proceed at a future point.

- 8.3.7. I consider that the design, siting, layout, and technologies / processes employed, including the diversion of the Pinkeen Stream, have each been carefully chosen based on a comprehensive assessment of the different options arising. The selected layout positions the main brewery facility and its utilities close together to ensure operating efficiencies and an efficient road layout. It also includes two attenuation ponds to maximise biodiversity gain and provides screening berms around the site perimeter to minimise visual impact on the surrounding vicinity. In conclusion, I am satisfied that the EIAR has satisfactorily addressed the issue of alternatives.
- 8.3.8. The likely significant effects of the project in terms of aspects of the environment are addressed under Sections 8.4 - 8.16 of my report below. This generally follows the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU.

8.4. **Population and Human Health**

- 8.4.1. Chapter 5 of the EIAR addresses 'Population and Human Health'. As would be expected, the likely effects of the proposed development on human health are also addressed under several other headings of the EIAR and, as such, they also should be considered concurrently in reviewing this chapter.
- 8.4.2. The EIAR under Section 5.2 describes the **methodology** employed to characterise the environment in relation to human beings, its receiving population, change experienced over time in population numbers and demographic trends (CSO data), employment levels and human health indicators. There are no known notable human health or safety risks associated with the site.
- 8.4.3. The **receiving environment** is a greenfield site within an existing business and technology park. The land is currently used for agricultural purposes. It is adjoined by undeveloped fields and further farming land to the south and north, respectively. There is large commercial plantation of ash trees to the east and past this, on the far side of this wooded area, there is a small residential area. The Newbridge South Orbital Relief Road (NSORR) runs west of the site and through the centre of the

business park. The park itself is a significant economic and employment hub situated at the confluence between the M7 and M9 Motorways. It accommodates several largescale distribution centres, manufacturing plant and light industrial uses, many of which have been built or physically expanded in recent years in accordance with local planning policy aspirations.

- 8.4.4. The **predicted construction impacts** mainly comprise of dust creation, noise and vibration (including at sensitive locations) and an increase in traffic on the surrounding road network. A dust risk assessment was undertaken as part of the project and is referred to under Chapter 9 of the EIAR. The impact of construction dust caused by construction works was determined to be short-term and not significant. I also note that noise impacts on noise sensitive receptors (NSR) during the construction phase were not deemed to be significant – this environmental topic is assessed in further detail under Section 8.10 below.
- 8.4.5. Chapter 11 of the EIAR includes an assessment of the potential noise and vibration that would be caused on foot of construction works. I note that a schedule for all phases of the construction stage is set out under Table 11.9 of the EIAR (Page 292). The information presented shows the predicted nose emissions for the construction phase, including the various types of plant and machinery required to carry out the necessary works for each phase. The nearest NSR is 360m to the east.
- 8.4.6. The predicted short-term increase in HGV movements is not envisaged to have an adverse impact on the existing noise climate of the surrounding vicinity. Furthermore, I note that vibrations due to piling and drilling were also assessed but that as sensitive receptors were more than 100m from the proposed development, vibration was not deemed as having potential for significant impacts. However, notwithstanding this, I note that vibration as an environmental consideration is still examined under Chapter 11 of the EIAR for thoroughness.
- 8.4.7. It is estimated that there would be roughly 800 to 1000 jobs created both onsite and offsite during the construction phase. The maximum number of employees that will be onsite at any one time is estimated to be 300 to 400. In this respect, I consider that the proposed facility would have a short-term positive impact in terms of job creation and benefits to the local economy. The construction phase would have a short-term positive impact on the businesses in the area through the potential for

them to provide materials and services. It is predicted that the construction phase would take approximately 20 months to complete.

8.4.8. The **predicted operational impacts** mainly comprise the potential for impacts on human health associated with the misuse and excessive consumption of alcohol (as the facility would bring various Diageo products to the market) and potential for workplace health and safety risks (including exposure to biological agents, gas, fire and explosion). Section 5.4.2.2 of the EIAR addresses the issue of promoting positive drinking and sets out various programmes which aim to tackle underage drinking, drink driving and binge drinking. This is detailed in the Applicant's annual reports and is part of the Society 2030: Spirit of Progress Plan (the company's 10-year action plan).

8.4.9. In terms of industry and workforce safety, a series of **mitigation measures** are referenced under Section 5.4.2.3 of the EIAR. It states that a strict health and safety management system will be established for both the operational phase and as relevant, the construction phase, which includes the following:

- Regular cleaning, maintenance and upkeep of equipment.
- Vermin control, including by having a formal pest control contract in place.
- Having all electrical equipment rated and installed to the required safety standards and guidelines.
- Undertaking regular inspections of tanks, pipework, plant and associated equipment.
- Installation and monitoring of gas detection systems and emergency shut valves for the safe operation of the anaerobic digester / production of biogas.
- Installation and maintenance of fire alarms; fire hydrants, water tanks, fire pumps, fire sprinkler systems and fire extinguishers.

8.4.10. I note that there would be no natural gas, LPG or biogas stored in quantity on the site, which reduces the risk of a fire or explosion occurring. I further note that beer (including high gravity beer) with its low alcohol content, and high water content, does not pose a fire risk in the same way as pure alcohol. The Applicant states that a screening exercise was completed against the relevant Seveso and COMAH

regulations and given the type and volume of materials proposed to be stored by the facility that these regulations do not apply to the proposed development.

- 8.4.11. Other potential impacts, including specific mitigation measures, are outlined in the specialist EIAR Chapters relating to land and soil (7), water (8), air quality (9), noise and vibration (11), landscape and visual amenity (12), material assets (14, 15 and 16). The EIAR states that the proposal would have positive impact in terms of employment opportunities and economic activities in the region.
- 8.4.12. The proposed development on its own would have a positive overall impact on employment and economic activity in the region directly and indirectly. No specific projects were identified as having the potential to have a **cumulative impact** in terms of population and human health.
- 8.4.13. **Interactions and interrelationships** between population and human health and other environmental aspects and attributes are discussed in this chapter. They are also specifically addressed under Chapter 17 of the EIAR and Section 8.16 of my report below.
- 8.4.14. The proposed development would have a positive **indirect effect** in terms of local employment and the creation of jobs.
- 8.4.15. The **residual impacts** would be positive and long-term on population, local employment, and the wider economy. Following the implementation of mitigation measures, and given the low sensitivity of the local population, it is considered that the likely impact on human health would be imperceptible and not significant.
- 8.4.16. The **EIA Addendum Report**, submitted as part of the Applicant's appeal response, confirms that there would be no material change to the original EIAR chapter in relation to population and human health due to the proposed, modified energy system. As such, the findings of the EIAR in relation to this chapter remain valid.
- 8.4.17. In summary, I have considered this chapter and other submissions in relation to population and human health. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable site conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

8.5. Biodiversity

- 8.5.1. Chapter 6 of the EIAR addresses biodiversity.
- 8.5.2. The EIAR under Section 6.2 describes the **methodology** employed to characterise the environment in relation to biodiversity. The assessment draws material from several sources, including the Local Authority online planning search function, the National Parks and Wildlife Service (NPWS), the National Biodiversity Data Centre website (NBDC), the EPA, and the baseline ecology report compiled by IDA Ireland.
- 8.5.3. I note that pre-application meetings were held with KCC at an early stage in the project. Onsite consultation was also held with Inland Fisheries Ireland (IFI), including in relation to the proposed diversion of the Pinkeen Stream. I note also that the Applicant physically visited and inspected the site as part of their initial investigations and that this assisted in the preparation of this chapter, as well as others.
- 8.5.4. Section 6.2.3 outlines the field studies completed, which includes *inter alia* an initial site assessment and habitat survey, amphibian assessment, badger survey, breeding and wintering bird habitat assessment, breeding birds survey, kingfisher habitat assessment, bat survey, otter survey, white-clawed crayfish survey and an invasive species survey and site walkover. I note also that a biological assessment of the Pinkeen Stream was completed which assessed the quality of the stream habitat based on its physical nature and ecology (see Appendix 6-2 in this regard).
- 8.5.5. The **receiving environment**, as noted above, is a greenfield site, currently being used for agricultural purposes. The lands form part of a wider existing business park which accommodates several other largescale manufacturing facilities and warehouses. A full description of the habitats and features present on the site are recorded as consisting of improved agricultural grassland, recolonising bare ground, spoil and bare ground, hedgerows and treelines, drainage ditches and the Pinkeen Stream (see Section 6.4.2.1 of the EIAR). The overall lands generally are of low ecological value. The EIAR, under Table 6-9, provides scoping results and a scoping justification for habitats and species within the site, and its receiving environment, and screens in species including amphibians, bats, badgers, breeding birds, otters and other fauna for further consideration. There was no evidence of

invasive species within the study area, therefore, this was screened out for further consideration.

8.5.6. The **predicted construction impacts** mainly comprise potential adverse effects of the proposed development on biodiversity and the receiving ecological environment. I consider that the main potential impacts include those arising due to site clearance, and the building phase of the project, which would potentially result in a loss of habitats and species in the vicinity. Species are likely to be affected by both the construction phase and subsequent presence of new structures, buildings, equipment, lighting, etc. on the site and the resultant loss of foraging and resting opportunities. I note that several (non-designated) habitats, including hedgerows and ditches, would be permanently removed or altered on foot of the proposal. However, the site and its surrounding lands are not covered by any sensitive heritage designations. I am also satisfied that the design and layout of the proposal has sought to minimise the amount of vegetation to be removed from the land. Section 9.0 of this report (Appropriate Assessment) further addresses issues specifically in relation to biodiversity and potential impacts on European Sites.

8.5.7. The **predicted operational impacts** mainly comprise potential adverse effects on biodiversity caused by the potential risk of water or land contamination should there be a breach in one of the storage tanks, and subsequently a failure to contain the ensuing spillage, leak or emissions. However, impacts during the operational phase are considered limited and I do not consider it likely that the facility would have any significant long-term impacts on the aquatic or terrestrial species during the operational phase, subject to the implementation of the mitigation measures cited in the EIAR.

8.5.8. Protected species listed on Annex II and Annex IV of the EU Habitats Directive and the Wildlife (Amendment) Act likely to be affected have been identified and surveyed. The findings of the various surveys for the site can be summarised as follows:

- Amphibians: Juvenile frogs were noted within the bankside vegetation of the stream during the Applicant's site walkover. The attenuation ponds bordering the site may potentially provide an appropriate habitat for amphibians.

- Bats: The National Biodiversity Data Centre (NBDC) has no records of any bat species within 2km of the site. However, the NBDC rates the landscape of the site and its surrounding area as highly suitable for bats. The key finding from the bat surveys undertaken onsite show that no roosting bats were identified within the hedgerows / treelines onsite. The dawn and dusk surveys show only foraging and commuting bats. The results of the bat survey are shown in Figure 6-1 of the EIAR.
- Badgers: The NBDC holds records for badgers within 2km of the site. The targeted badger survey identified a disused badger sett on the boundary of the site along the ditch bordering the commercial planted woodland. No other entrances were identified. The EIAR notes that the set found is most likely an outlier as no other signs of badger activity were found. The results of the badger survey are shown in Figure 6-8 of the EIAR.
- Breeding Birds: The breeding bird surveys recorded a total of 25 no. species. These are shown in Table 6-5. Eighteen species are green-listed, three are amber-listed, three are red-listed and one is unlisted. No active or trace nests were found in the site.
- Winter Birds: While the subject site as agricultural grassland has the potential to provide suitable foraging habitat for wintering bird species, the NBDC holds no records for any wetland or water birds on the site, or within 2km of it. It is considered that such species would use nearby wetlands and areas closer to the coast. It is considered that the onsite habitats are potentially suitable for wintering farmland bird species common throughout Ireland. However, given the abundance of similar habitat within the surrounding vicinity, it is not considered that the site is important for sustaining wintering farmland birds.
- Kingfisher: The NBDC holds no records for kingfishers within 2km of the site. However, a kingfisher was recorded flying over the site on 28th July 2022 as part of the bat survey walkover. Therefore, it was decided to undertake a kingfisher habitat suitability survey, which was completed mainly along the Pinkeen Stream. The assessment did not identify any kingfisher nests, tunnels or suitable habitats for nesting kingfishers along the stream. No kingfisher sightings were observed, either. Small numbers of sticklebacks and brown trout

were observed during the aquatic surveys. Therefore, some sections of foraging habitat for Kingfisher may be available, however, this is considered sub-optimal.

- Otter: The NBDC holds no records for otters within 2km of the site. However, during the targeted otter surveys of the Pinkeen Stream otter spraints were observed (August 2022). No holt or couches (resting sites) were found as part of the survey work and given the presence of cattle on the site, and encroaching livestock into the stream, the site is considered unsuitable for this purpose. However, the stream could be considered suitable for commuting habitat purposes, albeit otters are not inclined to use water-filled culverts, such as the one at the R445 roundabout. The R445 itself also acts as a barrier to the movement of these species meaning the main direction from where otters would potentially arrive onto the site is from upstream locations. In summary, the stream and site are considered sub-optimal for otters.

8.5.9. While I note other mammals were not observed, for example, fox, rabbit, hare, they may still inhabit the study area and forage within common habitat areas. Direct impacts are not likely. However, some breeding, resting or hibernation sites could potentially be disturbed. In terms of potential indirect impacts to such mammals during the construction phase I consider that there would likely only be localised disturbance and affected mammals would be able to move to other locations until activity has ceased or been mitigated

8.5.10. The EIAR outlines the proposed **mitigation measures** for biodiversity under Section 6.7, including specific measures for certain species, such as bats and birds. The proposed development would be subject to compliance with the implementation of surface water management arrangements, compliance with various mitigation measures (as outlined in the EIAR and other supporting assessments) and adherence to best construction practices through an agreed CEMP and Construction Phase Surface Water Management Plan (as required under KCC condition).

8.5.11. I acknowledge that the proposed development would result in a direct loss of onsite habitat. However, this would mainly consist of grassland, bare ground, spoil and other habitats of local ecological value (Table 6-9 of the EIAR refers). Also, in light of the location and setting of the subject site, and its receiving environment in an area

envisaged for further commercial development and employment uses (i.e., an existing business park), and the presence of other similar habitat in the surrounding area, I consider the loss of habitat in this case acceptable.

- 8.5.12. I note also that the proposed development includes the creation of new foraging habitats, ecological corridors, a 10m riparian buffer on either side of the stream, a 'dark corridor' (i.e., a non-lit area providing opportunity for bats to move from one point to another without disturbance), and various monitoring commitments to help ensure impacts during the operational phase can be avoided, insofar as possible. The proposal includes a sensitive lighting strategy to prevent potential in-combination disturbances on nocturnal species on the subject site and its adjoining lands (bats, badgers, etc.).
- 8.5.13. I accept that there is a requirement for extensive security fencing as part of the development. However, provision has been made for both one-way and two-way mammal gates around the perimeter of the palisade fencing proposed. This would allow small mammals to move freely and safely across the site. There would be an overall net gain in terms of hedgerow and treelines on the site. I note that as part of further information submitted by the Applicant to KCC the amount of specimen trees to be planted on the land, including oak trees, was proposed to be increased compared with the original application. This would provide a higher density and better quality of trees across the land and also assist with visual screening.
- 8.5.14. No specific projects were identified as having the potential to have a **cumulative impact** in terms of biodiversity. I note that maintenance and upgrade works will likely be required to be undertaken by Uisce Éireann to improve the water supply network along some public roads in the vicinity of the subject site. However, this is where existing pipes are already situated. Therefore, there would be limited potential cumulative ecological impacts, in my opinion.
- 8.5.15. I consider that the information and assessment provided by the Applicant is adequate, conforming to best practice in terms of survey methodology, reporting and assessment and that the Board can be confident that obligations under the EU Habitats Directive, Birds Directive, European Communities (Birds and Natural Habitats Regulations (2011-2021) and the Wildlife (amendment) Act can be met, and that a finding of no significant effects on biodiversity can be reached.

- 8.5.16. **Interactions and interrelationships** between biodiversity and other environmental aspects and attributes are discussed in this chapter. They are also specifically addressed under Chapter 17 of the EIAR and Section 8.16 of my report below.
- 8.5.17. The proposed development would have no negative **indirect effects** in terms of biodiversity. However, there would be some positive indirect effects arising as the Pinkeen Stream would no longer be impacted by receiving harmful fertilisers and chemicals and by livestock using the stream as a water source with ensuing animal waste and trampling of flora. I further note that the inclusion of various SuDS measures and a dedicated drainage system as part of the facility form part of the proposal. This would help ensure compliance with the Greater Dublin Strategic Drainage Study (GDSDS).
- 8.5.18. The **residual impacts** associated with the proposed development are not likely to be significant, subject to the mitigation measures proposed.
- 8.5.19. The **EIA Addendum Report**, submitted as part of the Applicant's appeal response, confirms that there would be no material change to the original EIAR chapter in relation to biodiversity due to the proposed, modified energy system. As such, the findings of the EIAR in relation to this chapter remain valid.
- 8.5.20. In summary, I have considered this chapter and other submissions in relation to biodiversity. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable site conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on biodiversity.

8.6. **Soils & Geology**

- 8.6.1. Chapter 7 of the EIAR addresses soils and geology.
- 8.6.2. The EIAR under Section 7.2 describes the **methodology** employed to complete an assessment in relation to soils and geology. The assessment was undertaken by referring to the 'EPA Guidelines on the Information to be contained in Environmental Impact Assessment Reports' and 'IGI Guidelines for the Preparation of Soils, Geology and Hydrogeology Chapters of Environmental Impact Statements'. Further desktop studies of the site used the Geological Survey of Ireland (GSI) online data

viewer, the EIA consultation submission made by GSI and the online EPA mapping system. Physical site investigations were also conducted, including two separate geotechnical investigations, a separate groundwater investigation and a recently completed topographical survey.

- 8.6.3. The **receiving environment** is described as gently flat to undulating. The highest point on the site is in the southwest where the ground rises gradually to a height of 87.4mAOD. The lowest point is to the northeast. The bedrock geology is mainly limestone and gravel, whilst the soil is predominantly shallow mineral soils. The most recent site investigation (2022) is set out under Section 7.3.6.2 of the EIAR. It confirms that soils present on the site do not exceed any of the waste acceptance criteria (WAC) limits, meaning that any soil removed from the subject lands would be suitable for reuse at other offsite locations, if such a need were ever to potentially arise. However, notwithstanding this, I note that all excavated soil is intended to be reused onsite, including as part of building up screening berms and other required earthworks.
- 8.6.4. The **predicted construction impacts** mainly comprise include soil stripping, excavation of subsoils and vegetation removal across the land through the use of heavy earthmoving equipment, such as excavators and graders. The buildings will have piled foundations. These will be constructed from either pre-cast concrete or steel and driven into the stiff sands and gravels roughly 10m to 12m below the formation surface. This has the potential to impact land, soils and the geological environment. The excavated topsoil material will be reinstated onsite and reused for constructing berms. The EIAR confirms that the excavation and management of material onsite is likely to have a neutral, permanent, and slight impact on the land, soils, and geology.
- 8.6.5. Construction traffic would potentially result in the temporary compaction of soils. However, this would be limited to the construction phase only and unlikely to have any significant impact on the soil or ground conditions of the site. There is potential for accidental spillages and leaks happening during construction from various plant, equipment and machines. Such substances could include waste oil, fuel or petrochemicals, which could enter the soil either directly or indirectly. The severity of such incidents would depend on the magnitude of the spill, substances involved and duration before detection and cleanup.

8.6.6. The **predicted operational impacts** mainly comprise of potential accidental spillages and leaks. Such incidents are likely to be localised and short term and would most likely occur from cars in the parking areas or near the fuel storage depot. The proposed development includes sealed drainage in its design which would prevent any discharge to ground.

8.6.7. The EIAR outlines the proposed **mitigation measures** for soils and geology under Section 7.5. I note that mitigation measures specified are for the construction phase of the project, are extensive, and include the following:

Soil Management and Stockpiling

- Temporary berms will be constructed around stockpiles to prevent run-off during rain events.
- Stockpiles will be dampened during dry periods to prevent wind dispersion.
- Stockpiles will be segregated, one for reuse in berms and one for reuse in soil stabilisation.
- All stockpiles will be maintained a minimum distance of 20m from drainage ditches and the stream.
- Specific control measures will be specified in the RWMP for the handling and temporary storage of any potentially contaminated materials that may be encountered during the works.

Oil Storage and Refuelling

- All plant and machinery will be serviced before going to site.
- All oil stored onsite for construction vehicles will be kept in a locked and bund protected area.
- Preventative maintenance and relevant maintenance logs will be kept for all onsite plant and equipment.
- Drip trays will be used for fixed or mobile plant such as, pumps and generators in order to retain oil leaks and spills.
- Refuelling of plant and machinery will be completed in a controlled manner using drip trays (bunded container trays). Fuel containers will be stored within a

secondary containment system (e.g. bunds for static tanks or a drip tray for mobile containers). Bunds for the storage of hydrocarbons and chemicals will have a holding capacity of 110% of the volume to be stored and, in addition, an emergency spill kit with oil boom, absorbers, etc. will be kept onsite close to fuel storage tanks or bowsers for use in the event of an accidental spill.

- Fuel and oil stores including tanks and drums will be regularly inspected for leaks and signs of damage.
- All deliveries to onsite oil storage tanks will be supervised. Records will be kept of delivery dates and volumes.
- Only designated, trained operators will be authorised to refuel plant onsite.
- Site manager will ensure that all personnel working onsite are trained and aware of the mitigation measures detailed within the EIAR.
- Formal procedures and contingency plans will be set up to deal with emergency accidents or spills.
- Equipment storing fuel will be designed and installed to relevant standards.
- All valves will be of steel construction with open and close positions clearly marked.

Cement Handling During Construction

The production, transport and placement of cement will be planned and supervised in accordance with the following measures:

- Concrete pours will be planned with risk assessment to avoid any impacts.
- Full washing out of trucks will occur at the dedicated area (the offsite batching plant).
- Water supply points, if required, will be agreed with the appointed Contractor in advance of the works.
- Shutters will be designed to prevent failure. Grout loss will be prevented from shuttered pours by ensuring that all joints between panels achieve a close fit or that they are sealed.
- Chemicals used will be biodegradable, where possible.

- Any spillages will be cleaned up immediately and disposed of correctly.
- Where concrete is to be placed by means of a skip, the opening gate of the delivery chute will be securely fastened to prevent accidental opening.
- Where possible, concrete skips, pumps and machine buckets will be prevented from slewing over water when placing concrete.
- Surplus concrete will be returned to the batching plant after completion of a pour.
- Designated wheelwash areas will be provided at each phase exit point for the duration of the construction works.

Operational Phase

I note that the facility is required to operate under an EPA Industrial Emissions Licence (IEL). However, the following mitigation measures will also be employed:

- Inspections for the integrity and water tightness of underground pipes, tanks, bunds and containers will be carried out at regular intervals.
- An adequate supply of suitable absorbent materials will be kept onsite to deal with any spills.
- Loading and unloading of materials will be carried out in an area protected against spills and runoff in accordance with relevant monitoring procedures.

8.6.8. No specific projects were identified as having the potential to have a **cumulative impact** in terms of soils and geology. As noted above, certain maintenance and upgrade works will likely be required to improve the overall water supply network operated by Uisce Éireann. However, these works would be along public roads, where existing pipes are already in-situ, therefore cumulative effects on soils and geology would be imperceptible.

8.6.9. **Interactions and interrelationships** between soils and geology and other environmental aspects and attributes are discussed in this chapter. They are also specifically addressed under Chapter 17 of the EIAR and Section 8.16 of my report below.

8.6.10. The proposed development would have no significant **indirect effects** in terms of soils and geology.

- 8.6.11. The **residual impacts** associated with the proposed development are not likely to be significant, subject to the mitigation measures proposed.
- 8.6.12. The **EIA Addendum Report**, submitted as part of the Applicant's appeal response, confirms that there would be no material change to the original EIAR chapter in relation to soils and geology due to the proposed, modified energy system. As such, the findings of the EIAR in relation to this chapter remain valid.
- 8.6.13. In summary, I have considered this chapter and other submissions in relation to land, soils and geology. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable site conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on land, soils and geology.

8.7. Water

- 8.7.1. Chapter 8 of the EIAR addresses water, including the hydrology (surface water) and hydrogeology (groundwater) in respect of the subject site and its receiving environment. The EIAR is supported by a Site Specific Flood Risk Assessment (SSFRA).
- 8.7.2. The EIAR under Section 8.2 describes the **methodology** employed to complete an assessment in relation to water. The various desk-based studies include a review of the Water Framework Directive information from the EPA website, GSI public data viewer, OPW data, flood risk management plans, the river basin management plan for Ireland and the IDA Newbridge Phase 1 and 2 site assessments. Site investigations were also conducted, including a topographical survey, a well survey to assess the suitability of the existing groundwater monitoring wells on the site and a geophysical survey.
- 8.7.3. The **receiving environment** section of the EIAR describes the nearby watercourses to the site, which includes the River Liffey and Liffey and Dublin Bay Catchment Area. The site does not fall within a fluvial flood zone and, therefore, is not subject to a justification test. The northeast part of the site is part of an indicative pluvial flood zone. The site overlies two regionally important aquifers which are a sand and gravel aquifer and deeper bedrock aquifer. I note that whilst a SSFRA is not

required, this assessment has been completed, nonetheless, in the interests of thoroughness. The Pinkeen Stream is proposed to be diverted as part of the proposal. All stormwater is to discharge to the two new attenuation ponds which form part of the proposal.

- 8.7.4. The **predicted construction impacts** mainly comprise potential impacts on groundwater and surface water. The EIAR states that impacts relate to those connected to the diversion of the Pinkeen Stream. However, I note that large parts of the stream will remain an open watercourse – the exception being the culverted section to be installed underneath the proposed site access road. Other impacts referenced include driving piles below the water table, construction dewatering and potential sediment runoff during earthworks, and potential incorrect handling of deleterious materials and accidental spillages.
- 8.7.5. The **predicted operational impacts** mainly comprise the high volume of water usage required to serve the facility. However, I note that due to water recycling, the requirement for the proposed development will be limited to roughly 1,200m³ of water per day. The primary source of water will be from the public water supply, which the EIAR states can readily meet the requirements of the proposed brewery facility. In this regard, I note no objection has been received from Uisce Éireann, who are a statutory consultee to the application process and made observations to the Planning Authority.
- 8.7.6. I note that groundwater will be abstracted from the underlying aquifer as a secondary backup supply as required. The EIAR notes that the impact of this abstraction will remain within the site and the given the small amount of drawdown from this high yield aquifer there would be an imperceptible impact. It is also stated that the abstraction would not have any negative impacts on wells present in the receiving environment given the small volumes of water involved. I note that there would be no discharge of pollutants or contaminants to groundwater or surface water. As noted above, the development will be subject to an IEL from the EPA.
- 8.7.7. The EIAR outlines the proposed **mitigation measures** for water under Section 8.5. The measures are intended to remove and reduce potential impacts on surface water and groundwater and mainly include:

- Installation of silt traps and petrol interceptors along the Pinkeen Stream and for the protection of surface water and groundwater.
- Prevention of works, as insofar as possible, within 10m of the Pinkeen Stream.
- Fuels, lubricants and hydraulic fluids will be carefully handled to avoid spillage, secured correctly against unauthorised access or vandalism, and provided with spill containment equipment.
- Prior to any works commencing, all construction equipment will be checked to ensure that they are mechanically sound, to avoid leaks of oil, fuel, hydraulic fluids and grease.
- Adequate spill kits including absorbent booms and other absorbent material will be maintained onsite.
- Contractor workers will be appropriately trained in the use of spill kits.
- Any spillage of cementitious materials will be cleaned-up immediately.
- The use of concrete pours for various elements of the precast concrete pile structures will have the potential to impact groundwater.
- Sediments impacted by contamination will be excavated and stored in appropriate sealed containers for disposal offsite.

I note that further, specific mitigation measures are proposed for the Pinkeen Stream, including:

- Avoidance of works, where possible, immediately adjacent the stream.
- Any areas of bare soil or near drainage channels / the stream will be covered with a sediment control fabric, reseeded the next growing season and inspected regularly until the new vegetation has established.
- All stockpiles to be kept at least 20m from drainage ditches and the stream.

Operational Phase

I note that the facility is required to operate under an EPA IEL. The following mitigation measures will also be employed:

- The design of all drainage and bunding will be undertaken in accordance with relevant best practice guidelines.

- Stormwater collected onsite will undergo continuous testing as per the requirements of the IEL.
- The Applicant will comply with any future water abstraction regime.
- Drinking water will be from the public mains only.

8.7.8. No specific projects were identified as having the potential to have a **cumulative impact** in terms of water. The works referenced by Uisce Éireann as part of their observation comprise future maintenance and upgrades to their existing network and would likely require the excavation of a shallow trench along existing public roads only. The works would not affect or cut into the underlying groundwater system. Therefore, cumulative effects on water due to other projects would not have any significant impacts on surface water or groundwater, subject to implementing the mitigation measures.

8.7.9. **Interactions and interrelationships** between water and other environmental aspects and attributes are discussed in this chapter. They are also specifically addressed under Chapter 17 of the EIAR and Section 8.16 of my report below.

8.7.10. The proposed development would not have any significant negative **indirect effect** in terms of water.

8.7.11. The **residual impacts** associated with the proposed development are not likely to be significant, subject to the mitigation measures proposed.

8.7.12. The **EIA Addendum Report**, submitted as part of the Applicant's appeal response, confirms that there would be no material change to the original EIAR chapter in relation to water quality due to the proposed, modified energy system. As such, the findings of the EIAR in relation to this chapter remain valid.

8.7.13. In summary, I have considered this chapter and other submissions in relation to water quality, including hydrology and hydrogeology. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable site conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on water quality.

8.8. Air Quality

- 8.8.1. Chapter 9 of the EIAR addresses air quality. The main potential impacts on air quality arising from the proposed development include dust generated during the construction phase, potential impacts from traffic during the construction and operational phases, and odour and various point source emissions from the operational phase.
- 8.8.2. I note that the proposed new energy system submitted as part of the Applicant's appeal response would result in the omission of the woodchip boiler system and CHP plant as the primary energy source for the facility. The new, improved energy system would result in more sustainable resource use, decreased emissions, and a reduction in the requirement for largescale equipment and construction-related carbon materials.
- 8.8.3. The EIAR under Section 9.2 describes the **methodology** for evaluating the baseline conditions and assessing the air quality. Various EPA guidance documents, modelling notes and air quality standards and regulations are referenced. Several modelling approaches were considered and used to predict the potential impacts at various sensitive receptors in terms of air quality, odour and potential polluting emissions.
- 8.8.4. The **receiving environment** is described under Section 9.4 of the EIAR. It is noted that there are a number of IEL or IPC licenced facilities within a 5km radius of the subject site. These are listed under Table 9-8. Sensitive receptors are assessed by the modelling and their distance from the site are shown in Table 9-9. They mainly include residential properties and ecological receptors.
- 8.8.5. The **predicted construction impacts** mainly comprise potential impacts on air quality due to dust. During the construction phase there is the potential for short-term dust emissions and dust deposition to impact nearby sensitive receptors resulting in dust soiling and implications for human health. However, I note that the EIAR also states that offsite sensitive receptors are over 400m from the nearest site boundary, and, for that reason, construction generated dust has been screened out. It is proposed that a Construction Environmental Management Plan (CEMP) will be prepared for the construction phase and it will contain dust suppression and control

measures. I note that the preparation of a CEMP is also a condition under the Planning Authority's NoD to Grant Permission (Condition 3).

- 8.8.6. The EIAR also states that an assessment of emissions by traffic generated during a construction phase of less than two years is not required and that the potential for air quality impacts from this source can be screened out. I note that the revised energy system would result in less predicted traffic movements, including HGV's, during the construction phase.
- 8.8.7. The **predicted operational impacts** referenced in the EIAR were based on the original, proposed energy system comprising woodchip fuelled boilers, which would emit nitrogen oxide and dust, and a CHP plant fuelled by biogas, which would emit sulphur dioxide and nitrogen oxide. This system has been replaced by a more efficient, smaller biogas-powered boiler. The biogas would be generated onsite by the WWTP proposed as part of the overall development. The system also includes a backup electric heater for periods when biogas supply might be interrupted. The main potential operational impacts to air quality would be through various types of emissions to air. However, no significant impacts to ambient air quality were predicted for the original proposal and the new energy system removes the requirement to generate energy from burning solid fuels. This would have a resultant decrease in dust emissions, particulate matter and nitrogen oxide emissions.
- 8.8.8. The EIAR outlines the proposed **mitigation measures** for air quality under Section 9.6. The main mitigation measures comprise:
- General site management, including recording of emissions, logging of complaints, noting any exceptional dust or air emissions in a register.
 - Continuous monitoring, including daily dust inspections of nearby receptors, increased frequency of inspections.
 - Site preparation and maintenance, including siting machinery and equipment away from sensitive receptors, where possible, installing solid screens and barriers around dusty activities, removal and covering of dust generating materials from the site when not needed.

- Operating vehicles and encouragement of sustainable travel practices, including vehicles to be discouraged from idling onsite during loading / unloading, avoiding using diesel and petrol powered generators, signposts to show maximum speeds of 20kmph on sealed surfaces.
- Operations to ensure adequate water supply onsite for effective dust and particulate matter suppression, drop heights to be minimised and dry spillages to be cleaned up with appropriate equipment.
- Waste management practices, including wheel washing, use of water assisted dust sweepers, avoidance of dry sweeping of large areas, inspection of haul routes for surface integrity and repair, where necessary, covering vehicles entering and leaving the site to prevent escape of materials and installation of hard surface on haul routes.
- Completion of an Odour Management Plan².

8.8.9. No specific projects were identified as having the potential to have a **cumulative impact** in terms of air quality. The EIAR notes that at the time of writing, the construction of the Primark warehouse and distribution centre was nearing completion. No other major construction projects were identified in the area. Therefore, any potential cumulative construction dust impacts were not considered likely and the requirement for any further assessment of this type was screened out. The nearest existing Industrial Emissions Licenced facility to the site is the Pfizer Ireland pharmaceuticals manufacturing plant, which is to the southwest.

8.8.10. A requirement to complete a cumulative assessment in terms of point source emissions was identified by the Applicant. This was due to the relatively close distance between the two sites and potential pollutants emitted in terms of NO_x emissions. The predicted short and long-term cumulative concentrations outside the subject site boundaries, at sensitive receptors, were predicted to be significantly below the relevant air quality scores (AQS test levels). Therefore, it is concluded that the emissions to air from the proposed facility would not be significant in terms of ambient air quality. I note also that there is no requirement for a cumulative

² I note that where a permission relates to development requiring an EPA Industrial Emissions Licence, or a Waste Licence, the control of emissions arising from the development is a function reserved for the EPA. Therefore, no condition should not be attached to a potential Decision to Grant Permission with a view to controlling or limiting emissions.

assessment in terms of SO₂ or odour. As the Uisce Éireann upgrade works to the water network would involve minimal stockpiling of materials or dust creation, it is considered that the potential for cumulative dust impacts arising would be imperceptible.

- 8.8.11. **Interactions and interrelationships** between air quality and other environmental aspects and attributes are discussed in this chapter. They are also specifically addressed under Chapter 17 of the EIAR and Section 8.16 of my report below.
- 8.8.12. There would be no significant **indirect effect** in terms of air quality associated with the proposed development. I note that there would be traffic generated by transporting the finished products from the facility for packaging at other locations, including at St. James's Gate, Dublin, and Belfast. However, given the volume of trips generated, there would be no significant indirect effects arising.
- 8.8.13. The **residual impacts** associated with the proposed development are not likely to be significant, subject to the mitigation measures proposed.
- 8.8.14. The **EIA Addendum Report**, submitted as part of the Applicant's appeal response, confirms that there would be no material change to the original EIAR chapter in terms of baseline data, assessments, or conclusions regarding air quality. However, it is noted that the removal of the woodchip boilers would result in improved air quality due to a more efficient system. There would be lower GHG emissions and air pollutants. I note that Tables 9-1 and 9-2 of the Addendum Report include information showing both the total grams per second of emissions and overall annual emissions from the facility stacks would be less. The Applicant states that since the original EIAR was completed, the Clear Air Strategy for Ireland (April 2023) was issued. A central theme of the strategy is to reduce particulate matter associated with the burning of solid fuels and nitrogen oxides in terms of both ambient and total emissions.
- 8.8.15. The improved, energy system removes the requirement to burn solid fuel (woodchip) completely, which is in accordance with the policy thrust of the Clear Air Strategy. The smaller biogas-powered boiler with a backup electric heater would also result in a smaller area of plant, buildings and structures serving the facility. I note also that the third party generally welcomes the improved energy system and that this is stated in the further response received by the Board. Furthermore, an Industrial

Emissions Licence may be required for the proposed development, which would mean the facility would be regulated by the EPA in this regard. The findings of the EIAR in relation to this chapter remain valid.

8.8.16. In summary, I have considered this chapter and other submissions in relation to air quality. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable site conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on air quality.

8.8.17. The Council's Environment Section and HSE both reviewed the EIAR and did not raise any specific concerns in terms of impacts on air quality. In relation to the latter (HSE), I note that a detailed report is on file which indicates no objection, subject to conditions and mitigation measures being taken.

8.8.18. In summary, I have considered this chapter and other submissions in relation to air quality. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable site conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on air quality.

8.9. **Climate**

8.9.1. Chapter 10 of the EIAR addresses climate. It includes an assessment of greenhouse gas (GHG) emissions in terms of national targets and sectoral emission ceilings in the context of global climate change. It also reviews the Climate Change Sectoral Adaptation Plans, which were prepared under the National Adapt Framework.

8.9.2. As noted above, the Applicant submitted a modified energy system as part of their Appeal Response to the Board. This involved the replacement of both the woodchip-fuelled steam boilers and CHP plant with a smaller biogas-powered boiler and backup electric heater. The new energy system is predicted to result in zero GHG emissions and a much-reduced demand for construction-related carbon materials, which is more favourable from a climate change perspective. In this regard, the EIAR

Addendum Report states that the biogas generated onsite will be sufficient to power the facility, together with green electricity sourced from the national grid via a power purchase agreement. The virgin woodchip as fuel is no longer required to be transported to the facility and the only significant GHG emissions predicted are those which would be generated during the construction phase and by transport associated with the operational phase.

- 8.9.3. The EIAR under Section 10.2 describes the **methodology** employed to complete an assessment in relation to climate. A desktop study was completed of the relevant local, national and international documents relating to climate change and applied to the proposed facility and its related processes and activities.
- 8.9.4. The local **receiving environment** / microclimate is described in this chapter of the EIAR as the climate within 1 to 2km of the site. It is influenced by both the natural (topographic) and built environments. There is no microclimate of significance affecting the subject site and there are no proposed buildings that could create significant shading or wind tunnelling effects in the vicinity of the site. Therefore, potential impacts on the microclimate have been screened out. The receiving environment in global, EU and national terms is described under Sections 10.3.1, 10.3.2 and 10.3.3 of the EIAR, respectively. In these sections, the EIAR references the relevant climate change agreements, pacts and targets required to achieve carbon neutrality by 2050 and the requirement for a mix of renewable energy technologies and energy sources.
- 8.9.5. The **predicted construction impacts** mainly comprises the release of CGC emissions from materials used during the construction phase, by using diesel-powered plant and equipment, and by construction workers travelling to and from the site.
- 8.9.6. The **predicted operational impacts** mainly comprise transport related emissions arising from transporting raw materials, products, and by-products to and from the site. However, it is noted that the proposed improved energy system would meet the key targets and implement a key measure in relation to electrification as identified under CAP 2023. The EIAR confirms that all heating required for the proposed processes will be carbon neutral. By reducing the amount and size of the plant and equipment required, embedded carbon in materials will also be lower. Energy

efficiency will be optimised to achieve an overall 50% reduction in energy demand for the proposed facility.

8.9.7. In summary, while the proposed improved energy system design will result in several positive benefits, most notably a reduction in operational transport emissions, I do not consider that they materially change the findings presented in the original version of the EIAR in relation to climate. As such, I consider that the overall findings of the EIAR in relation to potential impacts on climate remain valid.

8.9.8. The EIAR outlines the proposed **mitigation measures** for climate change under Section 10.5. The main mitigation measures comprise:

- The selection process for a construction contractor will include a questionnaire on carbon emissions and mitigation measures. The response will be assessed as part of the Construction Tender Response evaluation process.
- The selected construction contractor will then be required to prepare a GHG Emissions Reduction Plan.
- To minimise transport GHG emissions during the construction phase the following mitigation measures will be put in place:
 - Where possible, materials for construction will be sourced locally (e.g., a high proportion of aggregates will be imported from local quarries).
 - All excavated soil will be reused on site.
 - A transport service, where practicable, will be provided for construction workers arriving to the Site during the construction phase.
 - Reducing idling engines for onsite plant.
 - Waste generated during the construction phase will be reused or recycled, where possible.
 - Continuous site lighting will be low energy.
- Regular maintenance of equipment during the operational phase to ensure optimal energy efficiency.
- Tracking onsite energy usage will identify further energy saving measures. This is a reporting requirement under the EPA IEL.

- 8.9.9. The potential for **cumulative impacts** has been assessed for climate in terms of GHG emissions against national and sectoral predictions. The nature of the overall assessment is therefore cumulative.
- 8.9.10. **Interactions and interrelationships** between climate and other environmental aspects and attributes are discussed in this chapter. They are also specifically addressed under Chapter 17 of the EIAR and Section 8.16 of my report below.
- 8.9.11. The proposed development would have **indirect effects** in terms of potential traffic generation, including that caused by sending finished products to other onsite locations for packaging purposes, such as St. James's Gate, Dublin. However, any such impacts are not considered to be significant in climate impact terms. Any potential indirect effects generated by raw material production, such as milled or malted barley used in the brewing process, are removed from the project, and do not require assessment in site-specific terms, or for the purposes of EIA.
- 8.9.12. The **residual impacts** associated with the proposed development are not likely to be significant, subject to the mitigation measures proposed. There would be no likely or significant climate change effects arising due to the proposed development.
- 8.9.13. The Council's Environment Section reviewed the EIAR and did not raise any specific concerns in terms of climate impacts. I note also that an IEL may be required for the proposed facility and that this would be the responsibility of the EPA. There is a detailed report from the HSE on the file which indicates no objection, subject to mitigation measures.
- 8.9.14. In summary, I have considered this chapter and other submissions in relation to climate. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable site conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on climate.

8.10. **Noise and Vibration**

- 8.10.1. Chapter 11 of the EIAR addresses noise and vibration. It provides a description of the potential noise and vibration impacts of the development in the context of relevant industry standards and guidelines. It assesses potential sources of noise

and vibration and the likelihood of this impacting various noise sensitive receptors (NSR) during the construction and operation phases. Noise monitoring and strategic noise mapping was undertaken to assist with compiling this chapter.

- 8.10.2. The EIAR under Section 11.2 describes the **methodology** employed to complete an assessment in relation to noise and vibration. A desktop study was completed of the relevant code of practice documents, standards and guidance notes relating to noise and vibration. These were applied to the proposed facility and its related processes and activities.
- 8.10.3. The **receiving environment** is part of the IDA Newbridge Business and Technology Park, which has several other largescale manufacturing facilities and warehouses. The land has been prepared for industrial development through the construction of the NSORR and other facilities to the west of the site. The EIAR notes that local infrastructure and existing development influencing ambient noise levels on the site include traffic on the R445 (west), the construction of the new Barola Capital DAC / Primark warehouse and distribution centre (south), traffic on the Great Connell Road (south) and the NSORR (west). Table 11-3 identifies five noise sensitive receptors (NSR), which comprise residential dwellings and a stud farm. Figure 11-3 depicts the NSR locations on an aerial photograph. Figure 11-4 shows the strategic noise mapping contours for the surrounding area.
- 8.10.4. The **predicted construction impacts** mainly comprise the movement of heavy vehicles delivering materials to the site, use of site equipment (consaws, cement mixers, breakers, hammering and metal works), and site preparation works (JCBs, excavators and hoarding works). Table 11-9 sets out the source of likely noise emissions for during the construction phase in terms of specific plant and their predicted sound pressure and combined noise levels. Construction phase vibration may arise due to heavy plant, piling or drilling occurring near buildings. However, due to sensitive receptors being more than 100m from the nearest site boundaries, it was considered that no further assessment of vibrations was necessary, and there would be no perceptible impacts arising.
- 8.10.5. The **predicted operational impacts** are informed by a specific noise modelling assessment for the proposed development. The assessment indicates that the facility would be in accordance with the relevant EPA noise criteria in respect of

NSRs. I note that NSR04 has been indicated as the NSR with highest predicted change and impact for both daytime, evening time and nighttime (see Tables 11-13, 11-14 and 11-15 of the EIAR). However, this has potential for a slight impact only and is considered non-intrusive given the small magnitude of change. Furthermore, noise barriers, such as dense tree planting, have not been taken into consideration as part of the assessment. I note that for the majority of NSRs, there would be no predicted notable change against the measured ambient background. Overall, the direct impact on NSRs is indicated as negligible. The EIAR also states under Section 11.4.5 that there would be no sources or activities which would result in the creation of undue vibration within the subject site.

8.10.6. The EIAR outlines the proposed **mitigation measures** for noise and vibration under Section 11.5. The main mitigation measures comprise:

- Turning off / powering down plant and HGV's when not in use.
- Reducing drop heights of incoming materials.
- Constructing the boundary embankments during the early stage of works.
- Appointing a project liaison officer to communicate with local regarding noise works.
- Implementing strict controls on construction hours to prevent noise during early morning or late in the evening.
- Placing hoarding and enclosures around noise works and plant as required.
- Including a response procedure in the CEMP to respond to noise complaints.
- Installing appropriate acoustic treatments and sound absorbent materials to further reduce noise.

8.10.7. As discussed above, it is not envisaged that vibration would be a significant impact caused by the proposed development due to the distance from receptors and nature of the development proposal. Therefore, no specific mitigation measures are proposed.

8.10.8. In terms of **cumulative impact** on noise and vibration, I note that maintenance and upgrade works are likely required to be undertaken by Uisce Éireann to improve the water supply network. The works would be positioned alongside existing public

roads, in the vicinity of the subject lands, where existing pipes are situated. However, I consider that the nature of works would be minor in acoustic terms and not likely to give rise to any significant noise or vibration impacts. The EIAR references the recently permitted developments comprising the Lidl distribution centre (Reg. Ref. 17/563) and Dr Pepper facility (Reg. Ref. 20/259), noting these are now both operational. The operational noise emanating from both facilities has been captured as part of the ambient monitoring undertaken in August 2022 and forms part of the overall operational assessment for the proposed brewery facility. The Primark development permitted under Reg. Ref. 21/1248 was nearing completion at the time of preparing the original EIAR. Details for likely operational noise levels were obtained and reviewed in terms of assessing their potential for cumulative impacts with the subject development proposal. I consider this an acceptable approach, given the nature and distance between the developments, and note that any change to in-combination noise levels would likely be imperceptible.

- 8.10.9. **Interactions and interrelationships** between noise and vibration other environmental aspects and attributes are discussed in this chapter. They are also specifically addressed under Chapter 17 of the EIAR and Section 8.16 of my report below.
- 8.10.10. The proposed development would have no significant **indirect effects** in terms of noise and vibration. I note that the proposed development would likely generate additional HGV traffic during the construction phase. However, a road traffic assessment was completed for the proposed development identifying the junctions and routes proposed to be utilised by these vehicles.
- 8.10.11. The **residual impacts** associated with the proposed development are not likely to be significant, subject to the mitigation measures proposed. There would be no significant vibration impacts during the construction phase. I also note that the proposed development is predicted to comply with typical noise nuisance limits at each of the NSR's identified in relation to the site for both the construction and operational phases. The long-term impact in terms of noise and vibration for the surrounding vicinity would therefore be negligible.
- 8.10.12. The **EIA Addendum Report**, submitted as part of the Applicant's appeal response, confirms that there would be no material change to the original EIAR chapter in

relation to noise and vibration due to the proposed, modified energy system. As such, the findings of the EIAR in relation to this chapter remain valid.

8.10.13. The EIAR has considered the impact of the proposed development in terms of noise and vibration. I consider that appropriate mitigation and monitoring measures would be included as part of the proposed facility and that there would be no significant impacts arising as a result. I note that the application was referred to Planning Authority's Environment Department and Transportation Department. However, no objection was raised by either, subject to applying appropriate conditions.

8.10.14. In summary, I have considered this chapter and other submissions in relation to noise and vibration. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable site conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on noise and vibration.

8.11. **Landscape and Visual Assessment**

8.11.1. Chapter 12 of the EIAR addresses landscape and visual assessment.

8.11.2. The EIAR under Section 12.2 describes the **methodology** employed to complete an assessment in relation to landscape and visual impact assessment (LVIA). The LVIA was completed in accordance with the guidance set out in the relevant publications prepared by the EPA and the Landscape Institute & Institute of Environmental Management and Assessment. The research involved a desktop review and fieldwork to complete a thorough overview of the receiving environment, confirm viewpoints and produce a series of verifiable photomontages. The criteria used is based on an assessment of the landscape character, its value and sensitivity, the magnitude of likely impacts, and the significance of landscape effects.

8.11.3. The **receiving environment** is described as transitional ranging from peri-urban agriculture to commercial to largescale industrial. The EIAR notes that a Landscape Character Assessment (LCA) was prepared for the County in 2004 and is incorporated into the Kildare County Development Plan 2017-2023. I note that the current version of the County Development Plan – i.e., the Kildare County

Development Plan 2023-2029 – provides a similar characterisation of the subject lands and its surrounding area, and includes the findings of the 2004 LCA.

- 8.11.4. The LCA focused on characterisation, i.e., the discernment of the character of the landscape based on its land cover and landform, but also on its values, such as historical, cultural, religious and other understandings of the landscape. Map V1-13.1 outlines the indicative Landscape Character Areas for the county. The site and most of the surrounding study area is identified as falling within the 'Northern Lowlands' Landscape Character Area as shown in yellow in Figure 13.1 of the EIAR. The 'Central Undulating Lands' LCA designation applies to a small section of land in the southwestern corner of the overall study area, but not the subject lands themselves (shaded green on Map V1-13.1). The edge of the 'River Liffey' LCA runs in a general north-south direction and passes through the western half of the study area (shaded blue).
- 8.11.5. In terms of landscape sensitivity, both the 'Northern Lowlands' and 'Central Undulating Lands' are assigned Class 1-Low Sensitivity, whereas the River Liffey Corridor is assigned Class 4-Special Sensitivity (i.e., the second most sensitive category). This information is shown on Table 13.1 of the Development Plan.
- 8.11.6. According to Table 13.2 of the Development, 'low sensitivity' is defined as having the capacity to accommodate a wide range of uses generally without significance adverse effects on the appearance or character of the area. 'Special sensitivity' is described as significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors.
- 8.11.7. To determine the likely perceived impact of a particular development on the landscape, the potential impact of the development should be viewed having regard to the sensitivity of the area. In this regard, I note that the Development Plan (under Table 13.3) provides guidance on the compatibility between a range of land use classes and the principal landscape areas of the county, as classified by sensitivity. The Northern Lowlands and Central Undulating Lands have a 'high compatibility' in terms of accommodating new industrial projects. The River Liffey has a 'low compatibility' for such types of development. However, the River Liffey is at some remove from the subject lands (c. more than 1km) and there are other similar

largescale industrial facilities and urban development situated between it and the subject lands.

- 8.11.8. I further note that there are no principal landscape sensitivity factors situated within 300m of the subject lands, which would typically include major rivers and water bodies, canals, ridgelines, peat bogs, moors and heathlands and natural grasslands. The nearest scenic viewpoint to the subject site is Liffey Bridge, which is in Newbridge town centre. This feature is denoted by a green circle on Map 13.2 of the Plan (Landscape Sensitivity Areas). The EIAR includes this feature for assessment under Chapter 12.
- 8.11.9. I note that the EIAR under Section 12.4.2 (defined study area) states that the proposed development would be difficult to discern beyond 2km due to the visual screening afforded by intervening vegetation, buildings and/or landforms. Where the facility might be discernible from greater distances, and beyond this threshold, it is not likely to give rise to significant landscape or visual impacts. However, notwithstanding this, I note that the Applicant selected a 3km study area for assessment. This is shown in Figure 12-1 of the EIAR.
- 8.11.10. The EIAR notes that a total of 9 no. viewpoints were completed and mapped in the LVIA. This represents a range and span of views from various, specific locations within the vicinity of the subject lands. An outline description of the selected views and reference points are listed in Table 12-5 of the EIAR.
- 8.11.11. The **predicted construction impacts** comprise permanent physical changes to the land. The proposal includes a significant amount of cut and fill to accommodate the proposed brewery facility and the construction works would require the removal of sections of hedgerow, scrub and trees to facilitate the diversion of the Pinkeen Stream. The clearance of the site has been minimised, where possible, and it is proposed to provide new riparian planting, boundary planting and extensive landscaping throughout the site and along the diverted watercourse. This would result in a negative impact in the short term, in my opinion. However, once the landscaping has had the opportunity to take hold and establish itself on the land, it is my view that it would provide a positive visual impact over the long term.
- 8.11.12. Construction impacts from the intensity of construction related activities and works on the site would have a magnitude of high to medium for both the site and the

immediate surrounding area. However, I consider that roughly 200m past the site boundaries, the likelihood for negative impacts would be lower due to the proposed development presenting as a familiar emerging physical feature in the wider business park and beyond.

- 8.11.13. The **predicted operational impacts** relate to the scale, form and mass of the proposed facility once built. The facility would have a significant and obvious presence on the land. However, it would not be dissimilar to other types of development in the wider surrounding area, or landscape, having regard to existing structures and buildings already present. The EIAR states that a high-quality layout and design is proposed, along with significant landscaping and new planting throughout the site. I would concur with this. However, more significantly, in my opinion, is the proposal to instate large screening berms at the front boundary of the site (west), and along the NSORR, which would provide good screening cover. The proposed screening would derive a considerable visual benefit over time when the vegetative planting has had a chance to mature and thicken out.
- 8.11.14. The proposed facility once constructed would be a large and visually conspicuous feature in terms of its size, scale and massing on the landscape. However, having regard to the existing character and form of development in surrounding vicinity, it would not be unrelated, or out-of-place, from a visual perspective and this, together with the proposed landscaping and screening elements, are important considerations in assessing the potential for visual impact over time.
- 8.11.15. The development proposal has been through several design iterations, which are discussed under Section 8.3 above. Different designs, layouts and configurations were considered as part during the pre-lodgement stage for the project. The relevant considerations were primarily based on a preference to minimise potential impacts on archaeology and biodiversity, to avoid a loss of production efficiency and to ensure good internal road layout, design and a means of access. The final layout option, which comprises this application, involves arranging the main brewery facility, plant, utilities, and equipment closer together, near the internal access road leading off a roundabout on NSORR. Therefore, the proposal is not a sprawling, linear type form of development and this has helped to limit potential for visual impact on the landscape, in my opinion.

- 8.11.16. The EIAR includes 9 no. Visual Reference Points (VRP's) from various directions around the site. The assessment for potential visual impact is summarised under Table 12-7 of the EIAR and set out in a separate, standalone photomontage booklet. I note that the Applicant's Appeal Response includes revised photomontages showing the proposed development with its modified energy system. I have had regard to this information as part of my assessment noting the smaller physical size of the proposal that is now before the Board for consideration. The visual impacts, both pre-mitigation and post-mitigation for Years 1, 4 and 8 (where relevant) are noted in the EIAR as imperceptible / neutral / long-term in most cases.
- 8.11.17. The viewpoints from which the proposed development would be most visually apparent are those from the west and north, respectively (i.e., VRP's 5 and 9). VRP 5 is from the NSORR within the existing business park near the southwest corner of the subject site. It is a broad and generally unimpeded view into the business park lands which also takes in the existing Lidl Distribution Centre (left middle ground) and the commercial plantation of ash trees (right middle ground). I note that at present the existing ash trees provide a dense screen of vegetation between the subject lands and the small residential enclave to the southeast of the site. VRP 9 is from the new roundabout north of the site on the NSORR. Both views have low sensitivity.
- 8.11.18. Further notable views comprise VRPs 6 and 7, which are from the Liffey Bridge in Newbridge town and the residential housing estate to the northwest, respectively. In both cases, the proposed development would not be visible due to screening by intervening vegetation, elements of the built environment and the general topography of the land. The magnitude of visual impact is therefore assessed as negligible.
- 8.11.19. The EIAR outlines the proposed **mitigation measures** for landscape and visual impact under Section 12.5. The main mitigation referenced is avoidance of impacts by siting the proposed facility on lands zoned for industrial use, within a peri-urban area, where such development is already a characteristic feature. I consider that installing perimeter berms around the site, by utilising excavated subsoil and topsoil, is another further important consideration. The berms would rise between 1m and 3m in different parts and densely planted with native woodland trees and mixed with other species and low-lying understorey. I note that the planted heights of the native

trees would range from roughly 1.2m up to 3m and I consider this would allow for a small, consolidated area of woodland to flourish and establish itself over time.

- 8.11.20. The proposed planting has been depicted in Photomontage Years 1, 4 and 8. The EIAR shows that by Year 4, i.e., medium term, the proposed planting would screen much of the facility at ground level and lower components associated with the brewery. By Year 8 further parts of the industrial complex would be hidden from view, such that whilst physical changes to the landscape would still be apparent, the visual impacts arising would still likely be low and not significant. I further note that along the southern boundary of the site the Applicant proposes to provide a mixture of supplementary hedgerow planting and new hedgerow planting. This would consolidate this site boundary before any potential future harvesting or removal of the ash tree plantation which currently provides good levels of screening for the small, area of housing to the southeast. In conclusion, the proposed development would not have any significant visual impacts on its receiving environment once the facility becomes operational, in my opinion.
- 8.11.21. The main potential **cumulative impact** arising in terms of landscape and visual assessment is the recently permitted industrial developments situated within the surrounding area. Together, these developments contribute to a transformation of the landscape character of this hinterland area from greenfield farmland, with discrete areas of substantial scale industrial developments, to a more consolidated industrial and logistics park. It is expected that the scale and intensity of development will be far greater than is currently the case as further similar types of industrial development is constructed.
- 8.11.22. However, the proposed facility, and other permitted developments in the vicinity, are of a high design standard and in keeping with the envisaged purpose of the lands (i.e., employment and industrial use). The in-combination impact of existing, permitted, and potential future development of the area fully meets the intended purpose for these lands, as according to local policy, and which is happening in a coordinated and coherent manner. Therefore, the emerging landscape character and visual setting of the subject lands and its surrounding area will be one of strong integrity and legibility. I consider that the proposed development would not have any significant negative cumulative impact on the landscape.

- 8.11.23. **Interactions and interrelationships** between landscape and visual impact and other environmental aspects and attributes are discussed in this chapter. They are also specifically addressed under Chapter 17 of the EIAR and Section 8.16 of my report below.
- 8.11.24. The proposed development would have no significant negative **indirect effects** in terms of landscape and visual assessment.
- 8.11.25. The **residual impacts** associated with the proposed development are not likely to be significant, subject to the mitigation measures proposed. The main measures integral to the design of the facility includes a perimeter berm and screen planting, which is likely to fully establish over an eight to ten year period. Therefore, the main residual impacts are those shown after eight years have passed (i.e., when the proposed landscaping strategy and planting has taken effect). I note that the three stages shown in the enclosed photomontages include for Year 1, Year 4 and Year 8.
- 8.11.26. The **EIA Addendum Report**, submitted as part of the Applicant's appeal response, confirms that there would be no material change to the original EIAR chapter in relation to landscape and visual due to the proposed, modified energy system. The removal of some structures and buildings and reduction in height of the main renewable heating plant would lead to a small decrease in size and scale for the overall proposed facility. As such, the findings of the EIAR in relation to this chapter remain valid.
- 8.11.27. In summary, I have considered this chapter and other submissions in relation to landscape and visual impact, I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable site conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on landscape and visual impact.

8.12. Cultural Heritage

- 8.12.1. Chapter 13 of the EIAR addresses cultural heritage.
- 8.12.2. The EIAR under Section 13.2 describes the **methodology** employed to complete an assessment in relation to cultural heritage, including the completion of an Archaeological Impact Assessment (AIA). A desktop study was completed of the

relevant legislation, guidance and government resources relating to cultural heritage. These were applied to the proposed facility and its potential for impacts arising in relation to cultural heritage and archaeological heritage. The study was also informed by field inspections, a geophysical survey of the site (during the period 3rd May to 26th May 2022) and archaeological test trenching (early June 2022). The purpose of the overall assessment was to evaluate the baseline cultural heritage environment of the site, assess the level of impact and to recommend potential mitigation and monitoring, as necessary.

- 8.12.3. The **receiving environment** includes a Recorded Monument within the subject lands, which is referenced as KD023-123 and described as a field system / bi-vallate enclosure. The study discovered that the Recorded Monument contains several elements each dating back to two different periods. The majority of investigations were undertaken shortly in advance, and during the construction, of the NSORR which now cuts across the monument. The NSORR has, therefore, physically divided the archaeological monument with its main features and possible field system lying to the west of the NSORR, and which is outside of the subject site.
- 8.12.4. The recent geophysical survey and archaeological test trenching carried out as part of the study confirms that the field systems within the site boundary are of post-medieval to early modern times (18th to 19th century). Therefore, they are not of significant archaeological potential. Furthermore, the location of the proposed development would avoid any impacts on significant archaeological elements of the area. The main brewery facility would be situated on an area of low ground where no archaeological features have been identified, either as part of the geophysical survey or archaeological testing.
- 8.12.5. The **predicted construction impacts** mainly comprise potential ground disturbance during construction works which could potentially uncover below surface archaeological features. Should archaeological artefacts exist below the surface then this would impact such features. However, it is noted that no features of potential archaeological significance were identified – other than KD023-123 – during the completion of the Archaeological Impact Assessment. However, there remains a risk of inadvertent impacts on unknown buried archaeological material during site works and earthworks. Therefore, the EIAR recommends that this should be

mitigated by undertaking archaeological monitoring for all phases of significant ground disturbance by a licensed archaeologist.

- 8.12.6. The **predicted operational impacts** mainly comprise planting which would further separate the main features of the archaeological monument which lie to the west of the NSORR and, therefore, outside the application site. However, it is noted that this separation has already been created by the construction of the NSORR. The planting would also define and help protect the bi-vallate enclosure from any unforeseen long-term impacts and visually screen the enclosure from the proposed development.
- 8.12.7. The EIAR outlines the proposed **mitigation measures** for cultural heritage under Section 13.6. The main mitigation referenced is avoidance of potential impacts by locating the proposed facility away from the National Monument. A further measure includes installing a post and rail fence around the perimeter bi-vallate enclosure and setting up an exclusion zone during the construction phase. The only time the fenced off area would be opened would be to accommodate the construction of the screen berm in this location. This would be for a short duration only and comprise the careful placement of selected soils.
- 8.12.8. The exclusion zone created during the construction phase would remain in place during the operational phase. Furthermore, as the subject lands are in private ownership, there would be no public access to them. There are no further mitigation measures for the operational phase given there are no predicted likely significant effects arising.
- 8.12.9. No specific projects were identified as having the potential to have a **cumulative impact** in terms of cultural heritage. The offsite maintenance and upgrade works by Uisce Éireann on the water distribution network would be along existing public roads and therefore not impact on any existing archaeological features.
- 8.12.10. **Interactions and interrelationships** between cultural heritage and other environmental aspects and attributes are discussed in this chapter. They are also specifically addressed under Chapter 17 of the EIAR and Section 8.16 of my report below.
- 8.12.11. The proposed development would not have any significant negative **indirect effect** in terms of cultural heritage.

- 8.12.12. The **residual impacts** associated with the proposed development are not likely to be significant, subject to the mitigation measures proposed. The proposal excludes the bivallete enclosure from any works.
- 8.12.13. The **EIA Addendum Report**, submitted as part of the Applicant's appeal response, confirms that there would be no material change to the original EIAR chapter in relation to cultural heritage due to the proposed, modified energy system. As such, the findings of the EIAR in relation to this chapter remain valid.
- 8.12.14. I note that the application was referred to the Council's Heritage Officer and Development Applications Unit (Archaeology). No objection was raised by either, subject to archaeological monitoring, and relevant conditions, as recommended by the EIAR.
- 8.12.15. In summary, I have considered this chapter and other submissions in relation to cultural heritage. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable site conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on cultural heritage.

8.13. **Material Assets (Traffic)**

- 8.13.1. Chapter 14 of the EIAR addresses material assets (traffic).
- 8.13.2. The EIAR under Section 14.2 describes the **methodology** employed to complete an assessment in relation to material assets (traffic and transportation). A desktop study was completed of the relevant code of practice documents, standards and guidance notes relating to traffic. These were applied to the proposed facility and its related processes and activities.
- 8.13.3. The **receiving environment** is described under Section 14.3. It states that access to the proposed development would be via the NSORR. The existing NSORR comprises a single carriageway road, which is approximately 6.5m in width. The route carries local traffic between the L2028 (Local Road) to the R445 (Naas Road). A speed limit of 60kmph applies. EIAR Appendices 14-1 and 14-5 (Volume 4) contain assessment data, survey findings and reports.

- 8.13.4. The EIAR predicts that there would be temporary slight negative impacts on the surrounding road network during the 20-month construction program, with the greatest impacts occurring during the peak earthworks phase. Once operational, it is considered that the brewery would not have a significant impact on the receiving environment, including the town centre of Newbridge, or any nearby houses or residential areas.
- 8.13.5. The **predicted construction impacts** mainly comprise an increase in traffic required for the duration of the construction phase, including HGV's. I note that a temporary construction entrance is proposed to serve the construction phase from the NSORR. The EIAR includes a forecast of daily construction traffic under Table 14.12 which shows that the highest number of estimated average daily HGV trips are expected during Stage 2 (ground works, cut and fill). This would involve importing 98,000m³ of infill material to the site over a four-month period resulting in roughly 160 no. truck movements per day. This phase would likely last for a duration of 4 months.
- 8.13.6. Other stages of the construction phase would comprise much smaller volumes of average daily HGV trips. For example, the longest phase (Phase 6) is for c. 10 months. It comprises the installation of mechanical and electrical equipment and process and fit-out works and it is estimated that the number of average daily HGV trips would be limited to 2 no.
- 8.13.7. During construction, the predicted number of staff would be a maximum of 400 no. people at peak times. It is expected that construction workers would arrive together in small numbers in shared transport. However, it is assumed that no workers would arrive onsite either by walking, cycling or via public transport.
- 8.13.8. The **predicted operational impacts** comprise mainly an increase in traffic volumes for when the facility becomes operational. It is predicted that roughly 51 average daily traffic movements would be generated from trips to and from the facility. The brewery would also employ a *maximum* of 70 staff over three daily shifts (with c. 17 staff per shift). There would be approximately 50 staff onsite on a given day. The traffic assessment shows that during both the construction and operational phases all surrounding junctions would operate within capacity. Furthermore, there would be no material impact on the surrounding road network, either in terms of the project itself or due to cumulative / in-combination impacts.

8.13.9. The EIAR outlines the proposed **mitigation measures** for material assets (traffic) under Section 14.5. The measures are intended to reduce the demand for travel and alleviate any adverse impacts. They mainly include:

- Implementing a routing policy during the construction phase to ensure vehicular movements are made via the strategic road network to avoid heavy vehicles passing through residential areas.
- All HGV traffic will travel via the M7 (Junction 10) when accessing the site. No HGV construction traffic will travel via Newbridge town or the L2028 Local Road. The agreed route will be a contractual requirement of the building contractor and communicated to all drivers.
- Employing a safety policy and environmental awareness for all HGV drivers accessing the site.
- A banksman will be employed to manage the temporary construction entrance to ensure all interactions with vulnerable road users will be safely managed.
- On closure of the temporary construction entrance, the wearing course of the NSORR will be reinstated for a distance of 20m on the Great Connell Road side and 50m on the M7 side of the entrance.

8.13.10. No specific projects were identified as having the potential to have a **cumulative impact** in terms of material assets (traffic). Ales and lager brewed at the proposed facility at Newbridge would be required to be transported to St. James's Gate, Dublin, and facilities in Belfast, for packaging and keggering purposes. There is no packaging facility included as part of the development proposal. However, there would be no additional traffic movements or trip numbers at the St. James's Gate facility. I also considered that completion of further sections of the NSORR will help alleviate traffic congestion within Newbridge town centre, which could be a positive benefit for the town and its environs, and other surrounding areas.

8.13.11. **Interactions and interrelationships** between material assets (traffic) and other environmental aspects and attributes are discussed in this chapter. They are also specifically addressed under Chapter 17 of the EIAR and Section 8.16 of my report below.

- 8.13.12. The **indirect effects** caused by the proposed development in terms of material assets (traffic) are discussed above and within Chapter 14 of the EIAR.
- 8.13.13. The **residual impacts** associated with the proposed development are not likely to be significant, subject to mitigation. However, it is expected that temporary slight negative impacts on the surrounding road network will occur during the 20-month construction program. As stated above, the greatest impact would be during the peak earthworks phase of the project. I note that potential impacts would be mitigated by ensuring construction traffic must use the agreed transport routes only, thus, avoiding Newbridge Town Centre and any residential areas. A detailed junction capacity assessment was carried out to determine the operational performance of several junctions in the area. These are listed on Pages 400 and 401 of the EIAR. The assessment found that once operational the proposed development would not have a significant impact on the surrounding road network.
- 8.13.14. I also note the key change resulting from the amended energy system submitted as part of the Addendum EIAR Report, which would result in the omission of the original proposed woodchip boiler system. The original EIAR states that the predicted average daily traffic in terms of HGV's would be 53, which covered transportation of raw materials, products and byproducts. As two of these daily trips were predicted for the delivery of woodchip – and woodchip is no longer required – this would reduce the average daily traffic in terms of HGV movements from 53 to 51. This information is further outlined in the Addendum EIAR Report where it is also noted that the revised energy system would not result in any material change to the findings of the original EIAR in terms of material assets (traffic).
- 8.13.15. In summary, I have considered this chapter and other submissions in relation to material assets (traffic). I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable site conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on material assets (traffic).

8.14. **Material Assets (Natural Resources, Waste and Energy)**

- 8.14.1. Chapter 15 of the EIAR addresses material assets (natural assets, waste and energy).
- 8.14.2. The EIAR under Section 15.2 describes the **methodology** employed to complete an assessment in relation to material assets (natural assets, waste and energy). The assessment was undertaken by completing a desk-based review focusing on relevant legislation and guidance.
- 8.14.3. The **receiving environment** is described under Section 15.3 of the EIAR. It states that the construction of the proposed development will require a range of material resources such as stone for groundworks, concrete and steel. This is not atypical for any such similar, largescale industrial development. There are three rock quarries within 30km of the site which could provide suitable hardcore material for filling the site, including at Nass, Kilcullen and Rathcoole. The main raw ingredient required by the brewery is barley and malted barley. The Applicant intends to source, insofar as possible, these ingredients from local Irish sources, including from Athy (which is roughly 35km from the site).
- 8.14.4. The **predicted construction impacts** mainly comprise the creation of construction and demolition (C&D) waste. It is noted that C&D waste is the single most significant waste stream produced in the country in terms of both weight and volume. Approximately 85% of C&D waste consists of stones and soil. The other main sources of C&D waste include material cutoffs, materials cut in error and excessive or damaged materials, etc.
- 8.14.5. The proposed development will require a large amount of cut and fill topsoil and subsoils to be delivered onsite. However, the proposal has been designed to avoid any of the onsite excavated material being required to be transported or treated at an offsite destination. The material instead will be used in the construction of the screening berms around the perimeter of the proposed development, infill sections of the former channel of the Pinkeen Stream and underneath roads and areas of hardstand. I further note that vegetation gathered from clearing the site is intended to be mulched and reused onsite.

- 8.14.6. The **predicted operational impacts** are not likely to affect raw material supply. The power requirements of the facility will be met by the dedicated biogas-powered boiler. I note that a backup electric heater will be installed for when biogas supply is interrupted. Any shortfall in power will be met by the ESB mains network and provided under a long-term renewable electricity purchase agreement. I do not consider that any resultant impact on the national grid would be significant or burdensome.
- 8.14.7. In terms of by-products created by the facility during the brewing process, I note that the Applicant has confirmed that this will take place fully within the confines of the proposed development. The finished products will then be pumped into tankers and taken directly to other Diageo sites in Ireland, or Northern Ireland, for packaging. The brewing process uses natural resources, including water, yeast, barley and hops. The extracted grains and yeast, carbon dioxide and dewatered sludge arising from the aerobic treatment of the effluent in the WWTP will form the main byproducts generated by the facility. They are intended to be transported offsite to serve other markets which will in turn reduce the need for direct raw materials and supplies for other types of uses and activities. I note that any ash waste from burning woodchip as fuel on the site will now not occur as the proposed energy system has been revised to omit this component. The approach of reusing spent materials and by-products is in line with the circular economy system whereby there is a focus on minimising waste with derived benefits on supply chains.
- 8.14.8. In terms of waste generated during the operational stage, the proposed development would produce typical industrial type waste streams. This includes waste from additives required to be added to each product for taste, colour, and clarity purposes, cleaning, catering waste and packaging. Small waste amounts of certain types of hazardous waste will also be created, including sludge collected from oil interceptors at attenuation ponds, fuels, batteries, expended spill kits and electronic equipment. The EIAR states that all waste generated will be handled by a licenced waste carrier, and subject to a site-specific environmental management system (EMS), the IEL and the relevant waste legislation.
- 8.14.9. The EIAR outlines the proposed **mitigation measures** for material assets (natural assets, waste and energy) under Section 15.5. The mitigation measures are intended to reduce the demand for raw materials and volume of waste produced by:

- Implementing a Resource Recovery and Waste Management Plan (RWMP).
- Managing all waste generated during the construction phase in accordance with the relevant waste management regulations.
- Removing waste generated by the proposed development to off-site locations using an appropriately permitted waste contractor.
- Ensuring that waste generated on the site during the construction phase will be properly supervised with designated waste storage and segregation areas.
- Ensuring that materials required will only be ordered as needed to reduce excess materials that might result in unused materials (waste).
- Returning excess materials to their supplier, where possible.
- Ensuring that the small quantities of hazardous waste generated (e.g., waste oils and lubricants), will be segregated, contained, classified, transported and disposed of by appropriate waste handlers and in accordance with the relevant waste legislation.
- Regular maintenance and servicing of equipment and plant to ensure efficient energy usage.
- Tracking and reporting energy use to identify potential energy reduction opportunities.

8.14.10. I consider that subject to the above mitigation measures, the proposed development would have no significant impacts on the supply of construction materials, on local waste infrastructure or give rise to excessive energy demands being placed on the national grid system. I note also that the revised energy system would not require the need to source woodchip, thus, potential effects on forestry and woodchip supply would not occur.

8.14.11. No specific projects were identified as having the potential to have a **cumulative impact** in terms of material assets (natural resources, waste and energy). The original application proposed a woodchip fuelled boiler system as its primary energy system. However, this was omitted and replaced with an alternative energy design as part of the information submitted with the EIAR Addendum Report. Furthermore, there would be less reliance on the national grid, and this would only be required to

be used when an unexpected shortfall in power occurs. Any power provided by the ESB mains network would be under a long-term renewable electricity purchase agreement.

- 8.14.12. **Interactions and interrelationships** between material assets (natural resources, waste and energy) and other environmental aspects and attributes are discussed in this chapter. They are also specifically addressed under Chapter 17 of the EIAR and Section 8.16 of my report below.
- 8.14.13. The **indirect effects** caused by the proposed development in terms of material assets (natural resources, waste and energy) are discussed above and within Chapter 15 of the EIAR.
- 8.14.14. The **residual impacts** associated with the proposed development on supply chains, waste infrastructure and the national electricity supply are not likely to be significant, subject to the mitigation measures proposed.
- 8.14.15. The **EIA Addendum Report**, submitted as part of the Applicant's appeal response, confirms that there would be no material change to the original EIAR chapter in relation to material assets (natural resources, waste and energy) due to the proposed, modified energy system. The revised energy system would result in lower power demands and a more efficient energy system. As such, the findings of the EIAR in relation to this chapter remain valid.
- 8.14.16. In summary, I have considered this chapter and other submissions in relation to material assets (natural assets, waste and energy). I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable site conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on material assets (natural assets, waste and energy).

8.15. **Material Assets (Water Supply and Wastewater)**

- 8.15.1. Chapter 16 of the EIAR addresses material assets (water supply and wastewater).
- 8.15.2. The EIAR under Section 16.2 describes the **methodology** employed to complete the assessment in relation to material assets (water supply and wastewater). The

assessment was undertaken by completing a desk-based review focusing on relevant legislation and guidance.

- 8.15.3. The **receiving environment** is described under Section 16.3 of the EIAR. It states that the closest Irish Water treatment facility to the subject site is the Ballymore Eustace water treatment plant. Newbridge, and its surrounding area, are served as part of the Upper Liffey Valley Sewage Scheme. The closest Uisce Éireann waste treatment facility is the Osberstown WWTP situated between the Naas bypass and River Liffey to the west of Naas town centre. I note that Table 16-1 of the EIAR sets out the emission limit values for the treatment plant and the average concentrations of those parameters for water discharged. The 2020 Annual Environmental Report (AER) for the facility was recorded as being 'compliant' within the conditions of its licence.
- 8.15.4. There are no significant **predicted construction impacts** arising in relation to water supply and wastewater. The water supply for the duration of the estimated 20-month construction programme will be provided via a temporary mains connection. This will provide potable water to the site and serve welfare facilities. Given the timing and nature of the connection, it is not envisaged that this would give rise to any significant impacts. Other requirements for water during site works, such as dust control, will be obtained from stormwater runoff for reuse. Some groundwater may also be abstracted from onsite wells. This issue is further discussed under Sections 7.8 and 8.7 of my report above.
- 8.15.5. In terms of disposal of wastewater, I note that it is the intention to provide temporary washing facilities for onsite construction workers. The foul water generated will be stored and managed appropriately on the site before being removed by a dedicated tanker, which is normal practice. Other types of wastewater generated during the site working period, including from vehicle wheel washing facilities, site cleaning, washing down of roads, cleaning of equipment and plant, etc., will be completed in accordance with the standards set out by the Construction Industry Research and Information Association. The wastewater will most likely be disposed of via a temporary connection to the public sewer, or it may also be collected and removed by tanker for disposal and treatment off-site. In this regard, I note that that the Planning Authority attached relevant conditions as part of their NoD to Grant

Permission, including Condition 3, which requires completion of a CEMP and Condition 8, which is for a CMP.

- 8.15.6. There are no significant **predicted operational impacts** arising in relation to water supply and wastewater. The EIAR confirms that the proposed Development will use a combination of mains water and abstracted groundwater from an onsite source – the latter as a backup option. The facility is predicted to have a requirement for approximately 1,200m³/day given the presence of a Water Recycling Plant (WRP) as part of the facility operations. I note that Uisce Éireann (UÉ) provided a Confirmation of Feasibility (CEP) and this information is available on file (letter dated 25th October 2022). The CEP confirms that Uisce Éireann have capacity in the network to provide the proposed development with the required amount of process water and potable water for employee use, subject to certain upgrades, including the installation and maintenance of pipework and other infrastructure. (The CEP is included under Appendix 3-2 of the EIAR). I note that an additional letter by Uisce Éireann, dated 1st December 2022, confirms this to be the case, stating that a water connection is feasible, subject to the local infrastructure upgrades mentioned above. The hydrogeological testing carried out as part of the application confirms that the amount of water required to be abstracted from the underlying sand and gravel aquifer would occur in a sustainable manner and not give rise to any significant concerns given that the amount of drawdown would have an imperceptible impact on what is a high yield aquifer.
- 8.15.7. Wastewater emanating onsite can be split into two sources – foul water from kitchens, staff welfare facilities, etc., and process wastewater generated by the brewing process itself. The EIAR confirms that all wastewater from the operational stage will ultimately discharge to Osberstown WWTP. I note that a design feature of the proposed development is the provision of an onsite WWTP to serve the facility. It has the capability to provide aerobic and anaerobic treatment of process effluent and, together with the water recycling plant, it is expected that it would be able to reduce the volume of treated wastewater leaving the site.
- 8.15.8. I note that the existing public WWPT at Osberstown is operating within capacity at present, and that the facility is adequate in terms of being able to treat the predicted levels of effluent that would be generated by the proposal. In this regard, Uisce Éireann has confirmed as part of their CEP that their wastewater network has the

ability to receive both the quantity and types of wastewater that would be produced. I further note that the flow and quality of process discharge into the public system would also be monitored on a continual basis, in accordance with the requirements set out by the EPA, and under conditions set by the Industrial Emissions Licence.

8.15.9. The EIAR outlines the proposed **mitigation measures** for material assets (water supply and wastewater) under Section 16.5. The mitigation measures are intended to reduce the amounts of water usage and wastewater generated by the facility through the following:

- The inclusion of a water recycling plant to reduce volumes of water that would otherwise needed to have been sourced from the public mains supply.
- Use of brooms as opposed to water to clean surfaces.
- Waterless / low water system to be used for wheel washes and hygiene facilities. (Table 16-6 sets out the predicted water usage and savings in sanitary facilities.)
- Use of water saving measures, including trigger hoses, percussion taps, twin-flush toilets, etc.
- Water delivery system to avoid leaks and drips.
- Tools to be cleaned in buckets rather than in running water.
- The inclusion of a wastewater treatment plant to minimise impacts on the local WWTP at Osberstown, and consistent maintenance of same.
- Continuous monitoring of effluent and emissions to ensure discharges are compliant with the proposed emission limit values.
- In the event of a surge / increase in emission limit values, effluent would be directed back into an emergency tank to prevent non-compliant discharge reaching the public WWTP.
- All process discharge into the public wastewater treatment system will be monitored in line with EPA requirements as set out under the IEL.

8.15.10. No specific projects were identified as having the potential to have a **cumulative impact** in terms of material assets (water supply and wastewater). The Uisce Éireann upgrade works would require the excavation of a shallow linear trench along

existing public roads. Any supply disruptions to the existing water supply distribution network would be temporary and short-term and at a specific location only. However, once completed, the works would benefit the overall water supply network serving Newbridge and its environs through modernised infrastructure. The permitted facilities in the surrounding area, including Lidl and Primark, are not expected to generate significant amounts of process wastewater as they are storage and warehouse type premises, as opposed to largescale production or manufacturing facilities. Minimal amounts of foul effluent and wastewater would be produced in terms of employee welfare facilities. Therefore, there are no significant cumulative impacts envisaged.

- 8.15.11. **Interactions and interrelationships** between material assets (water supply and wastewater) and other environmental aspects and attributes are discussed in this chapter. They are also specifically addressed under Chapter 17 of the EIAR and Section 8.16 of my report below.
- 8.15.12. The proposed development would not have any significant negative **indirect effects**, including for national water or wastewater infrastructure, in terms of material assets (water supply and wastewater).
- 8.15.13. The **residual impacts** associated with the proposed development on the public water supply, groundwater or public wastewater network are not likely to be significant, subject to the mitigation measures proposed.
- 8.15.14. The **EIA Addendum Report**, submitted as part of the Applicant's appeal response, confirms that there would be no material change to the original EIAR chapter in relation to material assets (water supply and wastewater) due to the proposed, modified energy system. As such, the findings of the EIAR in relation to this chapter remain valid.
- 8.15.15. The Council's Environment Section and HSE both reviewed the EIAR and did not raise any specific concerns in terms of impacts relating to material assets (water and wastewater). The HSE completed a detailed report and I note that no objection was indicated to the proposal, subject to conditions and mitigation measures.
- 8.15.16. In summary, I have considered this chapter and other submissions in relation to material assets (water supply and wastewater). I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the

proposed scheme, the mitigation measures and through suitable site conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on material assets (water supply and wastewater).

8.16. **Cumulative and Interactive Effects (Interactions between the Foregoing)**

8.16.1. Chapter 17 of the EIAR addresses cumulative and interactive effects which could potentially arise between significant environmental impacts for both the construction and operational phases of the development.

8.16.2. The EIAR sets out an extensive list of such effects on Pages 433-435, which I do not propose to recite in detail as part of my report. However, I consider the main various environmental components which could potentially be impacted upon by way of interaction between the attributes include:

- **Population and Human Health** on:

- Soils and Geology
- Water
- Air Quality
- Climate
- Noise and Vibration
- Landscape and Visual
- Material Assets (Traffic)
- Material Assets (Natural Resources, Energy and Waste)
- Material Assets (Water Supply and Wastewater)

- **Biodiversity** on:

- Soils and Geology
- Water
- Air Quality
- Climate

- Noise and Vibration
- Landscape and Visual
- **Soils and Geology** on:
 - Water
 - Landscape and Visual
 - Material Assets (Natural Resources, Energy and Waste)
- **Water** on:
 - Material Assets (Natural Resources, Energy and Waste)
 - Material Assets (Water Supply and Wastewater)
- **Air Quality** on:
 - Material Assets (Traffic)
 - Material Assets (Natural Resources, Energy and Waste)
 - Material Assets (Water Supply and Wastewater)
- **Climate** on:
 - Material Assets (Traffic)
- **Noise and Vibration / Acoustic** on:
 - Material Assets (Traffic)
- **Landscape and Visual Impact** on:
 - Cultural Heritage
- **Material Assets (Traffic)** on:
 - Material Assets (Natural Resources, Energy and Waste)

8.16.3. Table 17-1 of the EIAR provides a summary of the possible interactions between the various environmental factors. While there are potential impacts arising between the components discussed under specific chapter headings of the EIAR, I am satisfied, having regard to the assessment carried out, and the mitigation measures set out previously, that there would be no significant impacts arising in terms of residual or

cumulative effects. I also note that interactions have also been assessed under each individual chapter of the EIAR.

- 8.16.4. I am satisfied that effects arising due to interactions can be avoided, managed and/or mitigated by the measures which form part of the proposed development, mitigation measures, and suitable onsite conditions.
- 8.16.5. I also note that the subject site is within an existing industrial business park which is envisaged for future commercial employment uses, including new industry. I am satisfied that the cumulative assessment contained in the EIAR fully assesses the potential impacts of the proposal in the context of other developments and projects.
- 8.16.6. In terms of carbon effects linked to the overall consumer drinks industry, I consider that this a matter for sectoral regulation, rather than a consideration relevant in the assessment of this individual appeal case for the purposes of EIA.

8.17. Reasoned Conclusions

- 8.17.1. Having regard to the examination of environmental information contained above, including the EIAR and NTS, and submissions from the Planning Authority, prescribed bodies and observers in the course of the application, I consider that the main significant direct and indirect effects of the proposed development on the environment have been identified in Sections 7.0 and 8.0 of this report.
- 8.17.2. It is my opinion that the proposed development would not give rise to any significant direct or indirect impacts of the environment. However, the project could potentially give rise to minor localised impacts, including on:
- **Biodiversity** due to the removal of hedgerows, trees and other vegetation, the diversion of the Pinkeen Stream, changes to the land, stockpiling of materials on the site, increased GHG's and resultant climate change, acoustic disturbances resulting in changes to the ambient noise levels at priority habitats, and modifications to existing landcover, which could result in a loss of breeding and foraging habitats for certain types of species and affect the underlying ecological conditions. However, it is considered that there would be no long term significant negative impacts on any habitats or species on the site, or in the vicinity, and that in some cases there would be slight, positive residual impacts on local biodiversity.

- **Groundwater and / or surface water** as part of the construction phase through a lack of control measures during excavation of the lands and ensuing site works, the mobilisation of sediments and other materials, and the requirement to undertake heavy construction activities, including piling and drilling, in the vicinity of groundwater sources. The construction of the proposed facility may also potentially impact negatively on ground and surface water by way of contamination through accidents, leakages and spills from plant and machinery, particularly of polluting substances (such as oil, fuels and hydrocarbons). Any such impacts would be mitigated by measures outlined in the Construction and Environmental Management Plan and the implementation of measures during the operational phase to control and manage sediment runoff, accidental spills, drainage management and ongoing maintenance of plant, machinery, and equipment. There are several mitigation measures proposed as part of the project, some of which include:
 - Installation of silt traps and petrol interceptors, including along the Pinkeen Stream, for the protection of surface water and groundwater.
 - Prevention of works within 10m of the Pinkeen Stream, where possible.
 - Fuels, lubricants and hydraulic fluids to be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and provided with spill containment equipment.
 - Prior to any works commencing, all construction equipment will be checked to ensure that they are mechanically sound, to avoid leaks of oil, fuel, hydraulic fluids and grease,
 - Adequate spill kits including absorbent booms and other absorbent material will be maintained onsite.
 - Contractor workers will be appropriately trained in the use of spill kits.
 - Any spillage of cementitious materials will be cleaned-up immediately.
 - The use of concrete pours for various elements of the precast concrete pile structures will have the potential to impact groundwater. Where possible, pre-cast or modular piles will be used to reduce the requirement for onsite batching.

- Sediments impacted by contamination will be excavated and stored in appropriate sealed containers for disposal offsite.

I note that further, specific mitigation measures are proposed for the Pinkeen Stream, which are referenced under Section 8.7.7 above.

- **Landscape and visual amenity;** as the proposed development would be visible from several different locations in the surrounding area, including from far afield. The site is not subject to a sensitive Landscape Character Area designation, according to the County Development Plan, and it is considered that given the physical distance of the facility from sensitive receptors in the area, such as residential houses, and existing presence of other similar type industrial developments in the business park that it would not result in unacceptable negative visual impact. I reiterate that the proposal to instate large screening berms around the facility would provide good screening cover and result in considerable visual benefits over time, particularly when landscaping matures.
- **Residential amenity;** during the construction phase may potentially be affected due to greater noise, air-borne emissions and dust, traffic safety and general disturbances related to site works. However, these impacts would be mitigated through the protection of air quality, control of noise and dust, regular monitoring, effective traffic management, landscape planting and the installation of perimeter screening berms to help ameliorate visual impact.
- **Vehicular traffic movements;** on the adjoining local road network due to construction and operational phases. The predicted number of HGV trips over a working day is expected to be relatively low during the construction phase, with the exception of ground works and cut and fill, and which would involve roughly 160 no. truck movements per day over a four-month period. However, other stages of the construction phase would comprise smaller volumes of average daily HGV trips. For example, the longest stage of the construction phase (Stage 6), which is for c. 10 months, estimates that the number of average daily HGV trips would be limited to 2 no. This stage requires the installation of mechanical and electrical equipment and fit-out works. During construction, the predicted number of staff would be a maximum of 400 no.

people at peak times. During the operational phase, it is predicted that roughly 51 daily traffic movements would occur to / from the facility. The traffic assessment shows that during both the construction and operational phases all surrounding junctions would operate within capacity.

9.0 **Appropriate Assessment**

Compliance with Article 6(3) of the Habitats Directive

- 9.1.1. The requirements of Article 6(3) 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 on the Application

- 9.1.2. The application is accompanied by an Appropriate Assessment Screening Report and Natura Impact Statement ('NIS') (dated October 2022). It provides a description of the proposed development, the project site and the surrounding area. It contains a Stage 1 Screening Assessment of the development proposed in Section 6. It outlines the methodology used for assessing potential impacts on the habitats and species within the European Sites identified, and which have the potential to be affected by the proposed development under Section 2.
- 9.1.3. The NIS reviews the potential impacts on the subject site and its surrounding area; and suggests mitigation measures, assesses in-combination effects with other plans and projects, and identifies any residual effects on the European sites and their conservation objectives. The report was prepared in line with current best practice guidance, provides a description of the proposed development and identifies European Sites within the possible zone of influence of the development proposed. It is also accompanied by an Environmental Impact Assessment Report (EIAR), Planning Report, Ecological Impact Assessment (EclA), Resource and Waste Management Plan (RWMP), Construction Environmental Management Plan (CEMP), Tree Impact and Protection Plan, Landscaping Plan, Site Specific Flood Risk Assessment (SSFRA), as well as other supporting assessments and reports.
- 9.1.4. The Applicant submitted a 'Appropriate Assessment Screening and Natura Impact Statement Addendum Report' (dated May 2023) (NIS Addendum Report) as part of

their appeal response to the Board. The Addendum references the changes proposed as part of a revised design to the original energy system submitted at initial application stage. The new system comprises the removal of the woodchip-fuelled steam boilers, use of a smaller biogas-powered boiler (with biogas generated onsite by the WWTP), the removal of the Combined Heat and Power Plant (CHP) and provision of a backup electric heater for when biogas supply is potentially interrupted. The proposed changes to the energy system will result in more sustainable resource use and reduced emissions.

- 9.1.5. Having reviewed the NIS and the supporting documentation, including the NIS Addendum Report, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures, as outlined above, are provided within. I am also satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.
- 9.1.6. The proposed development is not directly connected, or necessary, to the management of any European site.

Brief Description of the Development

- 9.1.7. The Applicant provides a description of the project on Pages 11 to 36 of the NIS (and Pages 14 to 25 of the Planning Report). It is also described above under Section 2.0 of my report above. In summary, the development proposed comprises a new purpose-built brewery facility and associated site works on a greenfield site within the existing IDA Newbridge Business and Technology Park in Newbridge, Co. Kildare.
- 9.1.8. The business park is a significant economic and employment hub and acts as a base for several largescale distribution centres, manufacturing plant and light industrial uses, many of which have been built or physically expanded in recent years. It is strategically positioned at the confluence between the M7 and M9 Motorways. Newbridge town centre is approximately 1.8km to the southwest. The Newbridge South Orbital Relief Road (NSORR) runs directly through the centre of the IDA lands and along the western boundary of the subject site. The NSORR provides dedicated access to the business park and reduces traffic congestion at peak times around Newbridge town and its environs.

9.1.9. No designated European Sites apply directly to, or adjoin, the subject lands. However, the NIS reviews and identifies other Natura 2000 Sites, both SPAs and SACs, which are within 15km and have been considered in terms of their ecological pathways and functional links in relation to the subject site. There are seven European sites within 15km of the Site, which are identified in Figure 4-1 and Table 4-1 of the NIS. The closest designated sites are Mouds Bog (SAC) (Site Code: 002331) and Pollardstown Fen (SAC) (Site Code: 000396), which are 2.5km and 3.9km to the northeast and southwest of the site, respectively. [A full list of the nearest European sites, including their distance and direction from the appeal site, is included in Table 1 of my report above.]

Stage 1 Screening

- 9.1.10. The Applicant carried out Screening for Appropriate Assessment under Section 6.0 of the NIS. The Applicant considered the potential impacts and effects of the proposed development on the habitats listed as qualifying interests for the European Sites identified, having regard to the nature and scale of the development, their location relative to the site and any ecological or landscape connectivity.
- 9.1.11. The NIS screened out the following European Sites for further consideration on the basis there would be no significant adverse effects due to their distance from the site, the intervening lands, and lack of any potential impact pathways or ecological connections: Mouds Bog SAC, River Barrow and River Nore SAC, Pollardstown Fen SAC, Ballynafagh Lake SAC, Ballynafagh Bog SAC, Red Bog Kildare SAC and Poulaphouca Reservoir SPA. Measures intended to reduce or avoid significant effects have not been considered in the screening process.
- 9.1.12. I note that the site is hydrologically linked to the South Dublin Bay SAC via the Pinkeen River and the River Liffey. The NIS has screened out this designated site stating it does not require further consideration given its location and distance from the subject site in Dublin Bay and the presence of the Great South Wall. However, I consider that there is still potential for potential impacts on the water quality of this European Site which could result in disturbance of key species and other significant effects in view of the site's conservation objectives. In summary, the European Sites screened in for further consideration as part of my assessment include South Dublin Bay SAC, North Dublin Bay SAC, North Dublin Bay Island SPA and South Dublin

Bay and Tolka River SPA. Table 2 below provides an AA Screening Summary Matrix outlining this information.

9.1.13. Therefore, following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development individually, or in combination with other plans or projects, would not have a significant effect on the following European sites (i.e., there is the *possibility* of significant effects occurring):

- South Dublin Bay SAC (000210)
- North Dublin Bay SAC (000206)
- South Dublin Bay and River Tolka Bay SPA (004024)
- North Bull Island SPA (004006)

9.1.14. These sites are >65km downstream of the subject site to the northeast. Despite the distant physical distance between the subject site and European Sites, and nature of the proposed development (light industry), I consider it appropriate to apply the precautionary principle in this case. In this regard, I note that triggers for appropriate assessment are based on a 'likelihood' (read as 'possibility') of a potential significant effect occurring, and not on certainty. This test is based on the precautionary principle where a given action could potentially cause harm to the public or the environment.

9.1.15. The significance of effects on these designated sites is uncertain and it is considered that the project should proceed to Stage 2 Appropriate Assessment.

Stage 2 - Natura Impact Statement

Introduction

9.1.16. The NIS examines and assesses potential adverse effects of the proposed development on the integrity of the above listed sites – with the exception of South Dublin Bay SAC, which is discussed in further detail below.

9.1.17. The NIS is informed by best practice guidance for such an assessment. It provides a desktop and literature study, including a review of the NPWS databases and relevant conservation objectives.

Potential Impact on European Sites

- 9.1.18. The potential impacts on the integrity of the European Sites referenced above are mainly associated with a potential future degradation of water quality arising because of the stream diversion works required to facilitate the development, works during the construction phase and other activities part of the operational phase. These could result in reduced water quality, lead to a loss of foraging grounds and food supplies for species, population reduction and / or harmful effects for the qualifying interests associated with these European sites. It could also potentially reduce the distribution of suitable supporting habitats or indirectly affect a species through reducing suitable habitat areas for breeding or resting.
- 9.1.19. The effects described could undermine the conservation objectives for the relevant qualifying interests, which would adversely affect the integrity of the screened-in designated sites.
- 9.1.20. In relation to the impact on the water quality of these sites, the avoidance of water pollution reaching the designated areas is proposed by the Applicant through various mitigation measures. These are set out in detail in Section 7 (Stage 2 NIS) of the NIS Report, Chapters 6 (Biodiversity), 7 (Soils and Geology) and 8 (Water) of the EIAR and summarised in Section 9.1.20 of my report below. As referenced above, the application is supported by several other assessments and reports which include biodiversity mitigation measures.

Cumulative Effects

- 9.1.21. Cumulative effects can result from individually insignificant, but collectively significant, actions taking place over a period of time, or if they are concentrated in a particular location at once. Cumulative effects can make habitats and species more vulnerable or sensitive to change. The NIS (under Section 6.2) references other plans and projects considered for their potential to act in-combination with the proposed development.
- 9.1.22. A review of the KCC Planning Register did not identify any current or previous permitted plans or projects in the immediate area which are considered likely, in conjunction with the proposed development, to result in any significant impacts.

9.1.23. However, several planning applications are listed in Table 6-2 which were previously assessed by the Planning Authority, and which are within the vicinity of the subject lands. I note that the applications mainly include various works and upgrades to the surrounding road network, drainage projects, distribution warehouse and storage facilities, and new types of light industry – which are typical uses and infrastructure associated with an existing and expanding business park.

9.1.24. None of these applications are likely to act in-combination with the proposed new brewery facility to result in adverse effects or impacts for the integrity of the Natura 2000 sites. It should also be noted that maintenance and upgrade works scheduled to be undertaken by Uisce Eireann (Irish Water) to the water supply distribution network is outlined in a recent confirmation of feasibility letter (dated 25th October 2022) (see Appendix B of NIS). These works are to be undertaken linearly along existing public roads, where existing pipes are laid, and so would not result in any impacts on habitats. It is considered that the proposed development would be unlikely to have any significant in-combination effects on Mouds Bog SAC, Pollardstown Fen SAC, Ballynafagh Lake SAC, Ballynafagh Bog SAC, River Barrow and River Nore SAC, Red Bog Kildare SAC and Poulaphouca Reservoir SPA given the:

- localised nature of the proposed works,
- distance separating the subject site from the European Sites,
- lack of hydrological connectivity, and
- industrial setting of the local and receiving environment.

Review of Mitigation Measures

9.1.25. Section 7.1.1 and 7.1.2 (Pages 76-81) of the NIS is in relation to the potential impairment of water quality caused by during the construction and / or operational phases of the development proposed.

9.1.26. In terms of the **construction phase**, run-off of potential pollutants from the construction area could reach the Pinkeen stream and adversely affect its water quality. This would potentially subsequently impact on protected habitats and species within the European Sites situated downstream. This is considered unlikely due to the separation distance involved and dilution factor (i.e., settling out over such

a long distance). However, as a precaution, certain mitigation measures are proposed to put in place to ensure water quality will be maintained and protected, both within the vicinity of the subject site and further downstream. The measures comprise of reducing the risk of potential contamination occurring and establish emergency procedures to be implemented in the event of an accidental release or spill of potentially harmful substances. In this regard, Section 7.1.1.1 of the NIS sets out a series of specific mitigation measures, including:

- Construction works to be undertaken in accordance with an approved CEMP prepared in advance of any construction works.
- Dewatering works to be undertaken in line with IFI guidance.
- Plant and machinery to be serviced before being going onsite.
- Preventative maintenance and relevant maintenance logs to be kept for onsite plant and equipment.
- All materials to be stored at the main contractor compound and transported to the works zone immediately prior to construction.
- Excavations to left open for minimal periods to avoid acting as a conduit for surface water flows.
- Where the Pinkeen stream and drainage ditches cross over each other, the release of sediment over baseline conditions will be prevented by silt traps, check dams and / or bunds. These will be established in advance of construction works and monitored on a regular basis.
- No surface water runoff will be discharged onto public roads, foul sewers or adjacent property.
- Weather conditions will be considered when planning construction activities to minimise risk of run-off.
- Provision of exclusion zones and barriers between any stockpiled materials and any surface water features to prevent sediment washing into the receiving water environment.
- No entry by plant, equipment, machinery, vehicles and construction personnel into watercourses, wet drainage ditches or the river riparian zones.

- An Environmental Clerk of Works is to inspect all elements of works for their duration.
- Emergency response procedures to be established.
- All concrete pours to be carefully planned to avoid any impacts happening.
- Any pouring of concrete will only be carried out in dry weather. Washout of concrete trucks will not be permitted onsite.
- Chemicals used will be biodegradable, where possible.
- Where concrete is to be placed by means of a using skip, the opening gate of the delivery chute will be securely fastened to prevent accidental opening.
- Where possible, concrete skips, pumps and machine buckets will be prevented from slewing over water when placing concrete.
- Surplus concrete to be returned to batch plant, or offsite concrete wash facility, after completion of a pour.
- Any spillage of cementitious material will be cleaned-up immediately.
- Measures will be implemented to minimise waste and ensure correct handling, storage, and disposal of waste.

9.1.27. In terms of the proposed **diversion of the Pinkeen Stream**, it is noted that this waterbody connects into a larger river network (i.e., the River Liffey). The stream diversion has been designed to maintain and enhance connectivity for foraging and commuting species along the waterbody system, but to also replicate its existing natural form and flow. Section 7.1.1.2 of the NIS sets out the specific mitigation measures to prevent any adverse impacts to species within the local and wider river systems:

- The Contractor or ECoW is to establish contact with IFI before works commence and to ensure all works are carried out to their approved design and method statement.
- The contractor is to ensure that personnel working onsite are trained in pollution incident control response.

- The new channel will be constructed in such a way to minimise suspended solid releases when the stream is re-routed.
- The main channel will be kept narrow to ensure a steady flow.
- There will be two slightly elevated channels either side to cater for periods of higher flows.
- The base of the channel will be formed of coarse non-eroding material (i.e. rocks, cobble, gravel).
- The placement of occasional boulders in the stream will allow for a varied flow along this section of the Pinkeen Stream. In turn, this will create a variety of habitats suitable for aquatic invertebrates.
- There will be no steep embankments.
- Slopes will be benched but not with gabions.
- The culvert is to be installed beneath the new access road at the entrance to the proposed development will have otter ledges (to reduce the risk of mammals drowning).
- There will be a gradual gradient to match the final site levels.
- The timing of the diversion works will be agreed with IFI in advance of construction commencing.
- Electrofishing will be undertaken as part of the diversion by IFI, or contractors approved by IFI, to collect fish species.
- An ecologist will be present onsite when the watercourse is initially diverted.
- A 10m buffer will be provided either side of the diverted stream to create an enhanced riparian strip and will include a mix of native riparian species.
- Landscaping will be implemented to ensure that the watercourse continues as a contiguous natural habitat for a range of species (new sections of riparian habitat to be supplemented with planted semi-mature trees).
- The planting of the riparian strip will be undertaken within the first planting season post diversion.

- The side slopes will be covered with a sediment control fabric immediately following the works to assist with the establishment of new vegetation.
- Semi-mature trees along the riparian strips to quickly promote the establishment of a more mature habitat.
- Fencing will be erected to provide protection to the diverted stream from fly tipping which has impacted the existing stream to date.
- A 'dark' corridor will be created along the diverted stream. Lighting levels will not exceed 1.0 Lux. The corridor will enhance foraging and commuting suitability for nocturnal species.
- Quarterly monitoring for one year will be undertaken following completion of the diversion works to ensure mitigation measures have been effective.
- The Applicant will be responsible for maintaining the section of the diverted stream traverses to keep it free of any waste materials / debris.

9.1.28. Potential **spillages of contaminating / toxic substances**, such as oil, petrol, or other hydrocarbons from storage areas, or construction vehicles, can cause significant damage to aquatic environments. The severity of impact depends on the volume of the leak or spill and ability to control the incident. Section 7.1.1.3 of the NIS sets out mitigation measures to prevent an accidental release or spill of potentially contaminating substances. It states that:

- Any chemicals / oils to be stored onsite will be placed within a bund on an area of hardstanding to ensure there is no seepage of pollutants into groundwater or surface water.
- All bunds will have the capacity of the largest tank volume plus 10%, as a minimum, with additional capacity to hold 30mm of rainfall.
- All drainage from bund areas will be directed to secure containment prior to suitable disposal.
- Fuel will be delivered onsite by a dedicated tanker or in a delivery bowser
- The Appointed Contactor will put in place a specific refuelling procedure which will be communicated to relevant employees onsite.

- Fuels, lubricants and hydraulic fluids for equipment used in the construction site to be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and ready access to and availability of spill containment equipment.
- Vehicle or equipment maintenance work will be carried out in a designated area on the Site. If refuelling is required outside this area, a spill tray will be used during refuelling.
- Prior to any works commencing, all construction equipment to be checked to ensure that they are mechanically sound, to avoid leaks of oil, fuel, hydraulic fluids and grease.
- Any sediments impacted by contamination will be excavated and stored in appropriate sealed containers for disposal off the site.
- No storage of hydrocarbons or any polluting chemicals will occur within 20m of the Pinkeen Stream or other surface water features.
- Design and installation of fuel bowsers to be in accordance with best practice.
- Regular inspections of fuel and oil storage areas.

9.1.29. For the **operational phase of the project**, I note that stormwater will drain into one of two attenuation ponds forming part of the overall stormwater drainage system. To prevent any potential contamination, identified high risk areas and activities will be directed to the onsite WWTP – as opposed to the stormwater system – for further treatment purposes. These areas include the spent grain outlet, waste yeast outlet and delivery bays for certain substances, such as chemicals and additives. The proposed surface water drainage system also incorporates the following measures to ensure compliance with the Greater Dublin Strategic Drainage Study (GSDSDS):

- River water quality will be protected using swales, permeable paving, interceptors and online attenuation ponds.
- River regime and flow, including the prevention of potential downstream flooding, will be protected by controlling runoff with a flow control device.
- Flood risk will be managed by meeting the 1:100 year storm allowance and by providing an additional 30% allowance for climate change.

- River flood protection will be provided in the form of in-built attenuation from permeable paving and swales.

Conclusion of NIS

- 9.1.30. The NIS concludes that there would be no significant effects to the integrity of the designated sites, and states that the mitigation measures outlined the report, if fully implemented, would be sufficient to prevent any impacts on the qualifying interests of the identified SAC's and SPA's. It is considered that there would be no adverse effects on the integrity of any Natura 2000 site as a result of the proposed brewery facility and its ancillary works for this reason.
- 9.1.31. The NIS Addendum Report confirms that design modifications to the energy system would have no implications for the disposal of stormwater at the site, or for the SuDS measures included as part of the drainage collection system. Therefore, the conclusion of the NIS Addendum remains valid. In terms of air quality, no changes are expected for the construction phase due to the revised energy system. However, the operational phase is predicted to have far lower emissions due to enhanced efficiencies accruing, the omission of the woodchip boilers and use of a smaller biogas-powered boiler – with biogas to be generated onsite as part of the facility.
- 9.1.32. Having reviewed the NIS and supporting documentation, I am satisfied that the information allows for a complete assessment of any adverse effects of the proposed development on the conservation objectives of the abovementioned European sites alone, or in combination with other plans or projects.

Table 2: AA Screening Summary Matrix

European Site	Distance / Source-Pathway Receptor	Possible effect alone	In-combination effects	Screening Conclusion
Mouds Bog SAC (002331)	2.5km Northeast. No ecological connection and physically removed / distant from the subject lands.	No possibility of effects due to the separation distance from the development and absence of ecological connections.	No possibility of in-combination effects.	Screened out for need for appropriate assessment.
Pollardstown Fen SAC (000396)	3.9km Southwest. No ecological connection and physically removed / distant from the subject lands.	No possibility of effects due to the separation distance from the development and absence of ecological connections.	No possibility of in-combination effects.	Screened out for need for appropriate assessment.
Ballynafagh Lake SAC (001387)	9km North No ecological connection and physically removed / distant from the subject lands.	No possibility of effects due to the separation distance from the development and absence of ecological connections.	No possibility of in-combination effects.	Screened out for need for appropriate assessment.
Ballynafagh Bog SAC (000391)	10.7km North No ecological connection and physically removed / distant from the subject lands.	No possibility of effects due to the separation distance from the development and absence of ecological connections.	No possibility of in-combination effects.	Screened out for need for appropriate assessment.
River Barrow and River Nore SAC (002162)	14km Southwest	No possibility of effects due to the separation distance from the	No possibility of in-combination effects.	Screened out for need for appropriate assessment.

	No ecological connection and physically removed / distant from the subject lands.	development and absence of ecological connections.		
Red Bog Kildare SAC (000397)	15km East No ecological connection and physically removed / distant from the subject lands.	No possibility of effects due to the separation distance from the development and absence of ecological connections.	No possibility of in-combination effects.	Screened out for need for appropriate assessment.
South Dublin Bay SAC (000210)	>65km downstream Northeast Ecological connection identified via the Pinkeen Stream and River Liffey.	Potential impacts on water quality and disturbance of key species. The development may result in significant effects alone.	Possible - requires more detailed analysis.	Possible significant effects cannot be ruled out without further analysis and assessment, including the application of mitigation measures – Appropriate Assessment required.
North Dublin Bay SAC (000206)	>65km downstream Northeast. Ecological connection identified via the Pinkeen Stream and River Liffey.	Potential impacts on water quality and disturbance of key species. The development may result in significant effects alone.	Possible - requires more detailed analysis.	Possible significant effects cannot be ruled out without further analysis and assessment, including the application of mitigation measures – Appropriate Assessment required.

Poulaphouca Reservoir SPA (004063)	>65km downstream Northeast No ecological connection and physically removed / distant from the subject lands.	No possibility of effects due to the separation distance from the development and absence of ecological connections.	No possibility of in-combination effects.	Screened out for need for appropriate assessment.
South Dublin Bay and River Tolka Bay SPA (004024)	>65km downstream Northeast. Ecological connection identified via the Pinkeen Stream and River Liffey.	Potential impacts on water quality, disturbance of key species and food availability. The development may result in significant effects alone.	Possible - requires more detailed analysis.	Possible significant effects cannot be ruled out without further analysis and assessment, including the application of mitigation measures – Appropriate Assessment required.
North Bull Island SPA (004006)	>65km downstream Northeast. Ecological connection identified via the Pinkeen Stream and River Liffey.	Potential impacts on water quality, disturbance of key species and food availability. The development may result in significant effects alone.	Possible - requires more detailed analysis.	Possible significant effects cannot be ruled out without further analysis and assessment, including the application of mitigation measures – Appropriate Assessment required.

Appropriate Assessment of implications of the proposed development

9.1.33. 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 (referenced above) using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are examined. Mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

Potential Impact on identified European Site(s) at risk of effects

9.1.34. South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Bay SPA (004024) and North Bull Island SPA (004006) are subject to Appropriate Assessment and referenced in Table 3 below.

9.1.35. A description of each site and its Qualifying Interests (QI's) are summarised in Table 3 of my report below. I have also examined the relevant Natura 2000 data forms and Conservation Objectives for these sites, which are available on the NPWS website. The relevant NPWS Site Documents have also been reviewed.

Table 3: Qualifying Interests of European Site considered for Stage 2 Appropriate Assessment (NIS)

Site Name / Site Code	Qualifying Interests
South Dublin Bay SAC (000210) [NPWS: Version 1, 22 nd Aug 2013]	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]
North Dublin Bay SAC (000206) [NPWS: Version 1, 6 th Nov 2013]	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 (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]

	<p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>
<p>South Dublin Bay and River Tolka Bay SPA (004024)</p> <p>[NPWS: Version 1, 9th March 2015]</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
<p>North Bull Island SPA (004006)</p> <p>[NPWS: Version 1, 9th March 2015]</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p>

	Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]
--	---

- 9.1.36. I note that the Applicant has referenced the species names and qualifying habitats (including the site specific conservation for each, as relevant) in tabular form under Section 4.1 of the NIS.
- 9.1.37. The conservation objectives for each of the European Sites screened in for the purposes of Appropriate Assessment (i.e., Stage 2) can be summarised as follows:
- To maintain the favourable conservation condition of the habitats (Annex 1) and species (Annex II) listed as qualifying interests, which are defined by a specific list of attributes, measures and targets, and for which the Natura 2000 Site has been selected.³
- 9.1.38. As noted above, the main aspects of the proposed development which could adversely affect the conservation objectives of the identified European Sites include the alteration of water quality arising mainly due to the proposed diversion of the Pinkeen Stream, the works undertaken during the construction phase, and other activities forming part of the operational phase of the working brewery facility.
- 9.1.39. The NIS includes specific mitigation measures to protect surface and groundwater in the vicinity of the subject site. These are summarised in Sections 9.1.24 to 9.1.28 of the report and relate to site works phase of the project, the stream diversion works, spillages of potentially contaminating / toxic substances (oil, hydrocarbons, etc.) and the operational phase for the facility. They mainly relate to preventing and controlling potential adverse impacts to species on the land and within the wider river system and its wider associated aquatic environment.
- 9.1.40. The project will comprise regular monitoring of water quality, and I note that an Ecological Clerk of Works (EcoW) will be appointed to the project to ensure that the mitigation and best practice measures will be fully implemented for its duration.

³ The full reports for the conservation objectives for the listed SACs and SPAs are available on the NPWS website.

9.1.41. I consider that the NIS contains complete, precise and definitive findings. My conclusion is that no reasonable scientific doubt remains as to the absence of any potential detrimental effects on the designated sites having regard to their conservation objectives.

Cumulative Effects

9.1.42. Section 7.2 (Page 81) of the NIS provides an analysis of the in-combination effects on the European Sites screened in for Stage 2 AA purposes.

9.1.43. The Kildare County Council online planning search function was used to identify other planning applications within the vicinity of the site. No other projects associated with the operation of the site have been identified which could lead to in-combination effects on the European Sites.

9.1.44. The Kildare County Development Plan 2017-2023 and Draft Kildare County Development Plan 2023-2029 were also reviewed for their potential to have any in-combination effects together with the proposed development. In this regard, no strategies or objectives from either Plan were considered likely to result in adverse effects on any Natura 2000 Sites, together with the development proposed.

9.1.45. I am satisfied that the proposed development, either alone or in-combination with other plans or projects, would not adversely affect the integrity of the screened-in European Sites given the:

- localised nature of the proposed works,
- distance separating the subject lands from the European Sites (screened-in),
- dilution factor between the Site and European Sites and the settling out over a significant distance,
- industrial setting of the local / receiving environment,
- mitigation measures that will be put in place (see section above entitled 'Review of Mitigation Measures'), and
- best practice guidelines, which will be implemented during both the construction and operational phases of the project.

9.1.46. I am satisfied that the proposed development, either alone or in-combination with other plans or projects, would not adversely affect the integrity of the screened-in designated sites (referenced in Table 3 above), or of any other European Sites.

Conclusion

9.1.47. The proposed development, which comprises a new brewery facility and associated site works (with a GFA c. 11,552sqm), has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act, 2000, as amended.

9.1.48. Having carried out screening for Appropriate Assessment of the project, I concluded that having regard to best scientific evidence, it could potentially have a significant effect on the following European Sites:

- South Dublin Bay SAC (000210),
- North Dublin Bay SAC (000206),
- South Dublin Bay and River Tolka Bay SPA (004024), and
- North Bull Island SPA (004006).

9.1.49. Consequently, an Appropriate Assessment was required of the potential implications of the project on the qualifying interests/special conservation interests of these sites in light of their conservation objectives.

9.1.50. Following a Stage 2 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 this European Site or any other European site, in view of the site's Conservation Objectives. My conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

9.1.51. In summary, this conclusion is based on:

- a full and detailed assessment of all aspects of the proposed project, including proposed mitigation measures and environmental monitoring in relation to the Conservation Objectives of each European Site referenced above,
- an assessment of in-combination effects with other plans and projects including historical projects, current proposals and future plans, and

- No reasonable scientific doubt as to the absence of adverse effects on the integrity of these European sites.

10.0 Recommendation

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

11.0 Reasons and Considerations

11.1. Having regard to the:

- provisions of the Kildare County Development Plan 2023-2029, including Policy Section 2.13.1, which identifies the subject site and its surrounding area as a Strategic Economic and Employment Zone, and policies and objectives regarding economic growth and enterprise, renewable energy and fuel, biodiversity and green infrastructure, and climate,
- location, nature, size and scale of the proposed facility and established character and pattern of development in its vicinity, including other employment and industrial uses in an existing business park,
- location of the proposed development next to the Newbridge South Orbital Relief Road (NSORR) and its proximity to the national road network, including the M7 and M9 Motorways,
- requirement for the proposed facility to be subject to, and regulated under, an Industrial Emissions Licence to be issued by the Environmental Protection Agency,
- nature of the receiving landscape and absence of any specific conservation amenity designation for the subject lands,
- mitigation measures proposed for construction and operational phases of the proposed development,
- submissions on file including those from prescribed bodies, the appellant and the Planning Authority,

- documentation submitted with the application, including the Environmental Impact Assessment Report, Appropriate Assessment Screening Report and Natura Impact Statement, additional information, and Addenda,

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

- be in accordance with the provisions of the Kildare County Development Plan 2023-2029 and with European, national, and regional planning policy,
- be in accordance with the planned industrial expansion of Newbridge Business and Technology Park, Co. Kildare,
- be acceptable in terms of traffic safety and convenience, and the protection of ground and surface water quality,
- not give rise to a risk of serious pollution given its regulation under licence by the Environmental Protection Agency, or be prejudicial to public health,
- not seriously injure the amenities of the area or property in the vicinity, and
- not have a negative impact on archaeological or cultural heritage.

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

12.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the Planning Authority submitted on the 3rd February 2023, and by the further plans and particulars received by An Bord Pleanála on the 22nd May 2023, 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 Applicant 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.</p> <p>Reason: In the interest of clarity.</p>
----	---

2.	<p>Detail of the finishes of the buildings and structures on site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>a) The proposals, mitigation measures and commitments set out in the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) and Construction Environmental Management Plan (CEMP_ shall be implemented in full as part of the proposed development.</p> <p>b) An Ecological Clerk of Works (ECoW) with suitable experience shall be appointed to ensure all mitigation measures outlined in the EIAR, NIS and CEMP shall be carried out. The ECoW shall submit yearly reports to the planning authority demonstrating compliance with mitigation measures and ecological considerations during the full extent of the construction phase.</p> <p>c) Should any such issues arise, the Ecological Clerk of Works shall be responsible for the supervision of implementing protection measures, immediately notifying the NPWS, and preparing any necessary documentation.</p> <p>Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.</p>
4.	<p>The total volume of beer produced by the facility shall not exceed 200,000 tonnes per annum.</p> <p>Reason: In the interest of clarity.</p>
5.	<p>Prior to the commencement of the development and for written agreement of the Planning Authority, the Applicant shall carry out an assessment for replacing one of the proposed attenuation ponds with a constructed wetland and submit revised details where necessary.</p> <p>Reason: In the interest of proper drainage of the area and protection of water quality.</p>

6.	<p>All over ground tanks containing liquids other than water shall be contained in a waterproof bunded area, which shall be of sufficient volume to hold 110 per cent of the volume of the tanks within the bund. All water contaminated with hydrocarbons, including stormwater, shall be discharged via a grit trap and three-way oil interceptor with sump. The sump shall be provided with an inspection chamber and shall be installed and operated in accordance with the written requirements of the planning authority.</p> <p>Reason: In order to protect groundwater.</p>
7.	<p>Prior to the commencement of any works associated with the development hereby permitted, the Applicant shall submit a detailed Construction and Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:</p> <ul style="list-style-type: none"> 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,

- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- j) 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,
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water bodies, sewers or drains,
- m) collection and disposal of construction waste,
- n) onsite road construction,
- o) environmental management measures during construction, including working hours, noise control, and dust and vibration control,
- p) the location of any archaeological or cultural heritage constraints,
- q) a plan detailing how engagement and liaison with local residents and businesses will be established and how it is proposed to keep the public and other bodies informed of impending disruption to traffic flow in the area of proposed works, and
- r) phasing protocols.

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

The Plan shall include all necessary requirements by the Planning Authority with regard to the provision of an environmental audit and any such reports necessary to ensure no environmental degradation of the site or surrounding area.

Reason: In the interest of public safety and ecological protection.

8.	<p>Prior to the commencement of development, the Applicant shall prepare a Construction Surface Water Management Plan (CSWMP) to safeguard the ecological integrity of local surface and groundwater and to protect water quality and the wildlife habitat of any watercourses.</p> <p>The CSWMP must be submitted to the planning authority for written agreement prior to the commencement of development.</p> <p>Reason: In the interest of protection of water quality, groundwater and environmental protection.</p>
9.	<p>Prior to the commencement of development, the Applicant shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
10.	<ul style="list-style-type: none"> a) There must no direct pumping of contaminated water from the works or during the construction phase to the Pinkeen Stream at any time. Any dewatering of groundwater during excavation works must be pumped into an attenuation area before being discharged. A discharge licence may be required from Kildare County Council. b) There must be adequate groundwater recharge as not to impact the base flow of the Pinkeen Stream. c) Surface water outfalls must have detail design and subsequent method statements submitted to IFI for approval. Instream works can only take place from 1st July to 30th September.

	<p>d) Mitigation measures such as silt traps and oil interceptors must be regularly maintained during the construction and operational phase and the developer must enter into an annual maintenance contract in respect of the efficient operation of the petrol/oil interceptor.</p> <p>Reason: In the interest of ecological protection.</p>
11.	<p>a) A Construction Environmental Management Plan (CEMP) is to be written for the proposed development, detailing a range of measures designed to mitigate the potential effect/impact on human health during the construction phase. This should include a Pest/Vector control plan for the construction phase.</p> <p>b) The need for early and meaningful public consultation in the development process including consultation with other industry located in the IDA Newbridge Business and Technology Park (Littleconnell)</p> <p>c) That the local community, including other industry have access to a feedback mechanism where feedback including complaints can be received and are acted upon by a designated person/role within the proposed development. Issues to potentially address include Dust, Odour, other Air Quality issues, Noise, and issues related to Water.</p> <p>d) That monitoring of the “back up” abstraction well takes places to ensure sustainability of supply for the proposed development and others dependent on this source of water.</p> <p>e) Full implementation of the Dust Management Plan during the construction phase covering the mitigation measures outlined under Table 9-40 and Table 9-41 of the EIAR. The EHS additionally recommends the stabilisation of screen berms with drought resistant grasses/vegetation in order to build resilience to dust generation during dry spells/droughts.</p> <p>f) That operation of the proposed development not start until an Industrial Emissions licence has been issued by the EPA with Emission Limit Values set and a monitoring programme put in place to assess potential exceedances at or near sensitive receptors.</p>

	<p>g) A move to HGVs powered by biofuels or electric batteries, to further reduce transport emissions during operation. The EHS recommends the installing of electric charge points for both EVs, as planned, and Electric Bikes as part of the incentive to encourage staff use lower emission modes of transport to and from work.</p> <p>h) That the developer examines the potential for Rain Water Harvesting on site (off the roof and other surfaces) in order to further minimise treated water demand and the energy required in recycling wastewater. This should be explored to further mitigate potential greenhouse gas emissions associated directly and indirectly with water supply and recycling of water.</p> <p>i) That the developer ensures the design of the proposed development is resilient to predicted changes in the Irish climate in the coming decades. This should include an assessment of risk related to Severe Weather Events including windstorms and other threats in a climate that is warmer, sometimes wetter and sometimes drier than recorded history. For example, the drainage systems planned should ensure they do not enable the proliferation of disease vectors such as mosquitoes into the future.</p> <p>j) That the developer put in place a plan that includes the protection of public health, if and when the proposed development has to be decommissioned.</p> <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
12.	<p>Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by staff employed in the development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the developer and details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated</p>

	<p>with the policies set out in the strategy.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
13.	<p>Prior to commencement of development, the Applicant shall submit a Road Safety Audit Stage 1, 2 and 3 and implement any recommendations within the RSA as agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of traffic and pedestrian safety.</p>
14.	<p>The landscaping scheme lodged with the application, as amended by the further plans and particulars received by the Planning Authority, submitted on the 3rd February 2023, shall be carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out:</p> <ul style="list-style-type: none"> a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development, b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings, c) details of proposed street furniture, including bollards, lighting fixtures and seating, d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, and e) measures for the protection of those trees which are proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled. <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of visual amenity.</p>

15.	<p>a) An accurate tree survey of the site carried out by an arborist or landscape architect shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.</p> <p>b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.</p> <p>c) An Arboricultural Consultant will be engaged to carry out a post construction Tree Survey and Assessment on the condition of the retained trees and hedgerows. Any necessary remedial or planting works should be undertaken. A Completion Certificate should be signed off by the Arborist when all permitted development works are complete and in line with the recommendations of the tree reports and plans. The Tree Survey and Assessment and Certificate should be submitted to the planning authority upon completion of the construction phase.</p> <p>d) The clearance of any vegetation, including trees, scrub and hedgerows, should be carried out outside the bird breeding season (1st March – 31st August, inclusive).</p> <p>Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity and in the interest of biodiversity.</p>
16.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –</p> <p>a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation, including hydrological and geotechnical investigations, relating to the proposed development,</p>

	<ul style="list-style-type: none"> b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove, and d) agree in writing the archaeological method statements for mitigation with the Department of Culture, Heritage and the Gaeltacht, prior to commencement of any works onsite. <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
17.	<ul style="list-style-type: none"> a) Water supply and drainage arrangements, including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. b) No surface water runoff or effluent from the site shall discharge to any to stream, river, watercourse, groundwater body or public road, including the Newbridge South Orbital Relief Road. c) The development shall not impair existing land and road drainage. d) Grease traps shall be fitted in accordance with the requirements of the planning authority. <p>Reason: In the interest of public health and to ensure a proper standard of development.</p>
18.	<p>In the event of an accidental spillage of wastewater, fuel, machine oil or any other substance which may threaten the quality of any watercourse or groundwater body either at construction or operational phase, including the Pinkeen Stream, the planning authority and Inland Fisheries Ireland, shall be notified in writing. A copy of the clean-up plan shall be submitted to the planning authority.</p>

	Reason: In the interest of environmental protection and public health.
19.	<p>Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. The agreed lighting system shall include a recommended strategy for reducing the impact of lighting on bats and be fully implemented and operational before the proposed development is made available for occupation.</p> <p>Reason: In the interest of public safety and visual amenity.</p>
20.	<p>a) Prior to the commencement of development, the developer shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and wastewater collection network.</p> <p>b) In the interest of public health and environmental sustainability, Uisce Éireann infrastructure capacity requirements and proposed connections to water and wastewater infrastructure will be subject to the constraints of the Uisce Éireann Capital Investment Programme.</p> <p>c) All development shall be carried out in compliance with Uisce Éireann standards, codes and practices.</p> <p>d) The Applicant shall obtain a Statement of Design Acceptance from Uisce Éireann approving the proposed water services designs and layouts prior to commencement of the development.</p> <p>e) Proposals by the Applicant to build over or divert existing water or wastewater services shall be submitted to Uisce Éireann for written approval prior to works commencing.</p> <p>Reason: In the interest of public health and to ensure adequate water / wastewater facilities.</p>
21.	<p>a) Prior to commencement of development, the Applicant shall consult with Inland Fisheries Ireland (IFI) in relation to all matters concerning fisheries and surface water quality.</p>

	<p>b) Surface water outfalls detail design and subsequent method statements shall be submitted to IFI for approval prior to commencement of development. Instream works can only take place from 1st July to 30th September.</p> <p>c) The Ecological Clerk of the Works shall provide the IFI with regular updates during and post construction, including regular water sampling upstream and downstream of the development site.</p> <p>d) Reporting of groundwater and surface water monitoring data should be provided to IFI on a scheduled annual basis.</p> <p>Reason: In the interest of proper drainage of the area and protection of water quality.</p>
22.	<p>a) Prior to the opening and operation of the completed purpose-built brewery, the Applicant shall remove the temporary construction site entrance and restore the kerbline, grass verge, footpath and cycle track to the condition prior to the construction of the temporary entrance. The Applicant shall reinstate the surface wearing course of the Newbridge South Orbital Ring Road for a distance of 20 metres on the Great Connell Road side and for a distance of 50 metres on the M7 Motorway side. Prior to the commencement of these works, the Applicant shall liaise with the Newbridge Kildare Municipal District Area Office for the agreement of these works.</p> <p>b) Construction and operation HGV access to the site shall be from the Newbridge South Orbital Relief Road (NSORR) only with a right out/left in arrangement only for HGVs off the NSORR into the development during both the construction and operational phases with consent for this arrangement to remain in place for the proposed development.</p> <p>c) Vehicular access (not HGVs) for staff and visitors for the operational phase of the development to the site shall be both from the Newbridge South Orbital Relief Road (NSORR) and the Great Connell Road.</p> <p>d) Prior to the opening and operation of the development, the Applicant shall complete and submit a Stage 3 Road Safety Audit to Planning</p>

	<p>Authority. This Road Safety Audit shall be the subject of the written agreement of the Planning Authority.</p> <p>e) The Applicant shall comply with all future site lighting requirements of the Planning Authority in relation to adjusting the outdoor lights by re-aiming, the addition of louvres & shields and / or dimming. The outdoor lighting scheme shall be fully implemented prior to the first occupation of the development.</p> <p>f) The development shall comply with the requirements of the Planning Authority in addressing any glint and glare issues that may arise for road users, residents and adjacent lands / properties which may only become apparent when the development is first commissioned.</p> <p>g) The Great Connell Road and the Newbridge Town Centre shall be kept free from all construction and operation related HGV traffic.</p> <p>Reason: In the interest of traffic safety.</p>
23.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 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.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>
24.	<p>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</p>

	<p>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.</p> <p>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.</p>
25.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

[I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.]

Ian Boyle
Senior Planning Inspector

28th November 2023