

An
Coimisiún
Pleanála

Commission Order
ABP-319281-24

Planning and Development Act 2000, as amended

Planning Authority: Louth County Council

Planning Register Reference Number: 2360115

Appeal by Mark Mallon and by others against the decision made on the 19th day of February, 2024 by Louth County Council to grant, subject to conditions, a permission to Hibernia Steel (Manufacturing) Limited in accordance with the plans and particulars lodged with the said Council.

Proposed Development: The proposed development includes: (1) construction of approximately 5,719 square metres gross floor area (GFA) main building, to house hot dip metal galvanising plant, machinery and associated works and containing materials loading and unloading areas, chemicals storage areas, and staff welfare facilities. The main building will be in two main sections, both single storey, consisting of a northern section of approximately 2,636 square metres gross floor area and a southern section of approximately 2,404 square metres gross floor area, respectively, with maximum heights above finished ground levels of 17.30 metres and 14.55 metres, respectively, together with an approximately 679 square metres gross floor area two storey over basement section with a maximum height above finished ground level of 8.90 metres, adjoining the east of the northern section. The main building will include four number emissions stacks located

on the roof of the northern section of the building, each rising to a height of 2.7 metres above the maximum height of the northern section, and one number emission vent located on the western side of the northern section of the building, at a height of 7.2 metres above finished ground level. (2) Construction of approximately 298 square metres gross floor area two storey office building to be located to north of main building, containing main reception area and general offices. (3) Provision of hardstanding area around main building providing vehicular circulation areas, processed and unprocessed materials storage areas and HGV/trailer parking spaces. (4) Provision of vehicular and pedestrian entrance to facility, from existing part-built, currently closed access road adjoining the north of the site. This access road and its junction with the R132 road will be completed as part of IDA Ireland's plan for the wider lands at this location and these works do not comprise part of the subject application proposals. (5) Provision of parking areas including 110 number car parking spaces, including seven number provided within EV charging points, and 20 number bicycle spaces, to be located adjacent to the facility entrance/exit at the north of the site. (6) Provision of internal access road linking the proposed car parking, office building and main building. (7) Provision of two number weighbridges within the internal access road adjacent to the proposed office building. (8) Installation of two number LPG tanks, to be located south of the proposed office building. (9) Construction of ESB substation within the main building. (10) Provision of bunded fuel storage area. (11) Provision of stormwater drainage and treatment infrastructure, including permeable paving, attenuation unit, infiltration area, rainwater harvesting tanks and associated works. (12) Site landscaping works, including provision of raised soil berm on part of the western boundary of the site with a maximum height of approximately three metres above finished ground level. (13) Firewater retention infrastructure will be provided by containment of the water in the southern section of the hardstanding area. (14) Provision of site security fencing and entrance walls and gates. (15) Provision of signage on both the proposed main building and the proposed office building. (16) Provision of site

lighting and (17) and all ancillary site development works, all at Mell, Drogheda, County Louth. This development requires an Industrial Emissions (IE) Licence, under the Environmental Protection Agency Act 1992, as amended. Further public notices were received by the planning authority on the 20th day of December 2023 including revised application plans/drawings comprising amended car parking proposals, amended electric vehicle charging points, for roof-mounted solar panels and various amendments consequential to these amendments.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the sites General Employment zoning objective with E1 zoned lands as set out in the Louth County Development Plan 2021-2027, to the planning history of the site and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In coming to its decision, the Commission had regard to:

- (a) the nature, scale and extent of the proposed development,

- (b) the pattern of development in the area,
- (c) the national, regional and local support for the proposed development including:
 - (i) National Planning Framework First Revision 2025,
 - (ii) National Development Plan 2021-2030,
 - (iii) Climate Action and Low Carbon Development (Amendment) Act 2021,
 - (iv) Climate Action Plan 2024 and Climate Action Plan 2025,
 - (v) European Union Water Framework Directive 2000/60/EC (WFD),
 - (vi) Regional Spatial and Economic Strategy,
 - (vii) Louth County Development Plan 2021-2027,
- (d) the documentation and drawings submitted within the application, including the Environmental Impact Assessment Report and Natura Impact Statement,
- (e) the submissions on file, including those from prescribed bodies, the local authority and observers, and
- (f) the report of the Planning Inspector.

Appropriate Assessment Stage 1

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the River Boyne and River Blackwater Special Area of Conservation (site code: 002299), the River Boyne and River Blackwater Special Protection Area (site code: 004232), the Boyne Estuary Special Protection Area (site code: 004080) and the Boyne Coast and Estuary Special Area of Conservation (site code: 001957) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the conservation objectives for the site and that a Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment Stage 2

The Commission considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an Appropriate Assessment of the implications of the proposed development on the River Boyne and River Blackwater Special Area of Conservation (site code: 002299), the River Boyne and River Blackwater Special Protection Area (site code: 004232), the Boyne Estuary Special Protection Area (site code: 004080) and the Boyne Coast and Estuary Special Area of Conservation (site code: 001957) in view of these sites' conservation objectives. The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best scientific knowledge in the field. In completing the assessment, the Commission considered, in particular, the following:

- (i) the site-specific conservation objectives for the European Site,
- (ii) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (iii) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Sites. In overall conclusion, the Commission were satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' conservation objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment

The Commission completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions made in the course of the application, and
- (d) the Planning Inspector's report.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. Having regard to the examination of the Environmental Impact Assessment Report and the supplementary information provided by the applicant, the submissions from the planning authority, prescribed bodies, appellants and observers in the course of the application it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

Population and Human Health: While there is potential for effect in terms of noise, dust, water or traffic on residential properties close to the appeal site, on the basis of the information presented, it is considered that the proposed development would not be likely to have significant effects on such properties. Mitigation includes the implementation of an Operational Management Plan (including a protocol for handling noise complaints and threshold exceedances). The Commission is satisfied that significant effects can be avoided, managed and mitigated by the measures proposed that form part of the proposed development.

Biodiversity: There will be habitat loss due to the construction of the proposed manufacturing facility and access road. There will be general disturbance during construction and operation phases. These will be mitigated by the Landscaping Management Plan, mitigation measures outlined in the Construction and Environmental Management Plan, specific measures to be employed for water quality, hedgerows and trees.

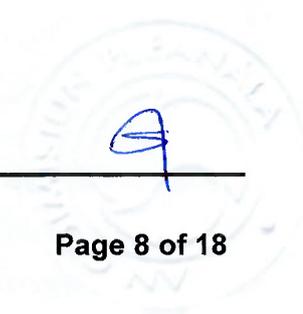
Water: Negative effects on surface water and ground water as a result of accidental spillage of pollutants, increased sedimentation, and any other contaminants entering the groundwater or surface water network can be adequately mitigated by measures outlined in the application. Water

abstraction proposals are not considered significant and will not have any impact on private supply wells in the vicinity of the site. The proposed development will not impede the ability of surface waters to achieve good or high status and the Water Framework Directive.

Landscape and Visual: Landscape and Visual impacts arise given the placement of a significant building within the local landscape giving an overall significance of operational stage landscape impacts of Moderate / Negative / Permanent. The impacts have been mitigated by the siting of the development and by proposed landscaping/screening measures and colour schemes.

Proper Planning and Sustainable Development

Having regard to the nature, scale and design of the proposed hot dip metal galvanising plant and all associated site works and its location within zoned land in the townland of Mell, Drogheda, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have an unacceptable impact on water quality, traffic, visual amenity or residential amenity and would constitute an acceptable form of development in this location. It is considered that the proposed development would accord with European, national, regional and local planning policy and that it is acceptable in respect of its likely effects on the environment and its likely consequences for the proper planning and sustainable development of the area.



Climate and Low Carbon Development Act and Climate Action Plan

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 20th day of December 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 developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

Reason: To protect the environment.

4. The operating hours of the facility shall be 0700 to 1900 Monday to Friday and 0800 to 1400 on Saturdays only unless otherwise agreed in writing with the planning authority.

Reason: In the interest of orderly development.

5. Prior to commencement of development for the written agreement of the planning authority the developer is required to submit comprehensive plans and details relating to:

- (a) All proposed external finishes, boundary treatments and surfacing.

- (b) The proposed retaining walls.

- (c) Car/HGV parking, circulation and the proposed external storage areas.

- (d) All proposed signage.

Reason: In the interest of orderly development.

6. The landscaping scheme shown on drawing number 23.10.100, as submitted to the planning authority on the 22nd day of May, 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, additional planting, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, shall be installed within the carparking area and between the HGV parking area and car parking area.

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.

Reason: In the interests of residential and visual amenity.

7. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
 - (a) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.
 - (b) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum radius of two metres from

the trunk of the tree or centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed.

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

Reason: In the interest of visual amenity and to protect trees and planting during the construction period.

8. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

9. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

10. The development shall be carried out and operated in accordance with the provisions of the Workplace Travel Plan (WTP) submitted to the planning authority on the 4th day of December, 2023. The specific measures detailed in Section 7 Action Plan of the Workplace Travel Plan to achieve the objectives and modal split targets for the development shall be implemented in full upon first occupation. The developer shall undertake an annual monitoring exercise to the satisfaction of the planning authority for seven years following first occupation and shall submit the results to the planning authority for consideration and placement on the public file.

Reason: To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

11. The proposed lighting system to serve the development shall be agreed in writing with the planning authority prior to the commencement of development. All lighting shall be set out and directed/cowled to minimise any overspill on neighbouring properties.

Reason: To safeguard the amenities of adjacent residential property.

12. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system and soakpits.

(c) There shall be no process water discharge from operations to the public foul sewer.

Reason: In the interest of public health.

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

Reason: To safeguard the amenity of property in the vicinity.

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

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
- (b) location of areas for construction site offices and staff facilities,
- (c) details of site security fencing and hoardings,
- (d) details of on-site car parking facilities for site workers during the course of construction,
- (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (f) measures to obviate queuing of construction traffic on the adjoining road network,

- (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- (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) details of any hydrocarbon interceptors installed in during construction interceptors including maintenance scheduling and any specific details in relation to service agreements that are in place with suppliers for the construction phase,
- (l) measures for the control and clean-up of accidental spillages that may threaten watercourse or groundwater quality including procedures for notifying the planning authority and Inland Fisheries Ireland in writing,
- (m) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil including material quantities, the location of stockpiles and any temporary berms,
- (n) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains,

- (o) details of emergency response procedures for the site, and
- (p) a record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be available for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety and environmental protection.

15. A wheel washing facility shall be provided for the duration of the construction period, adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic safety and biosecurity.

16. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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.

Reason: In the interests of reducing waste and encouraging recycling.

17. A Greenhouse Gas Emissions Reduction Plan for the construction and operational phases shall be submitted to, and agreed in writing with, the planning authority prior to commencement of construction and operational phases respectively.

Reason: In the interest of reducing and encouraging the reduction of greenhouse gas emissions.

18. Soil, rock and sand excavated during construction shall not be left stockpiled on-site following completion of works. Details of treatment of stockpiled materials and berms shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and sustainably re-use materials.

19. A minimum of 20% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date.

Reason: In the interest of sustainable transport.

20. No goods, raw materials or waste products shall be placed or stored between the front of the building and the public road. All goods, including raw materials, manufactured goods, packaging, crates etc. shall be stored or displayed only within the enclosed area of the building.

Reason: In the interests of public health and visual amenity.

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

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



Emer Maughan

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 16th day of February 2026.