



An
Coimisiún
Pleanála

Inspector's Report ACP-319281-24

Development	Construction of approx. 5,719 sq. m. gross floor area (GFA) main building to house hot dip metal galvanising plant and all associated site works. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) were submitted with the application. The proposed development will require an Industrial Emissions (IE) Licence under the EPA Act 1992, as amended.
Location	Mell, Drogheda, Co. Louth
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2360115
Applicant(s)	Hibernia Steel (Manufacturing) Ltd
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party

Appellant(s)

1. Mark Mallon
2. Killineer & District Residents Association
3. Elaine Moore & Barry Mulvany & Others
4. Eugene Kearney, Sadbh and Eilis de Buitleir Kearney
5. Charles Carroll

Observer(s)

An Taisce

Date of Site Inspection

08/10/2025

Inspector

Darragh Ryan

Engineer

Owen Cahill

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	6
3.1. Decision	
3.2. Planning Authority Reports.....	8
3.3. Prescribed Bodies	9
3.4. Third Party Observations	10
4.0 Planning History.....	10
5.0 Policy Context.....	11
5.1. Development Plan.....	
5.2. Natural Heritage Designations	14
5.3. EIA Screening	
6.0 The Appeal	14
6.1. Grounds of Appeal	15
6.2. Applicant Response	24
6.3. Planning Authority Response	28
6.4. Observations.....	28
6.5. Further Responses.....	29
7.0 Assessment	30
8.0 AA Screening.....	47
9.0 Recommendation.....	115
10.0 Reasons and Considerations	116
11.0 Conditions	118
AA Screening & AA	

1.0 Site Location and Description

- 1.1.1. The site is located in the townland of Mell to the north west of Drogheda, 2.6km from the town centre. The site is on greenfield agricultural lands (scrub lands) with an existing residential dwelling located to the west of the site.
- 1.1.2. The site is part of larger bank of lands owned by the IDA and is accessed off the R132. The site context includes a road network and other infrastructure installed on foot of permission Reg. Ref.: 071435 / An Bord Pleanála Ref.: PL15.228184 which were intended to serve lands in this area including the application site for the use of a business park/employment centre.
- 1.1.3. To the south, the site adjoins the L6323 road, beyond which is agricultural land. To the east, the site adjoins agricultural land, beyond which is the R132 road. To the west, the site adjoins existing dwellings and the L6323 road.
- 1.1.4. The access road to the north meets the R132 road at an uncompleted junction to the north-east of the site. To the south, the R132 road connects to the N51 road which connects to Junction 10 of the M1 motorway. The site area is stated at 3.419ha

2.0 Proposed Development

- 2.1.1. Construction of approx. 5,719 sq. m. 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 approx. 2,636 sq. m. GFA and a southern section of approx. 2,404 sq. m. GFA, respectively, with maximum heights above finished ground levels of 17.30 metres and 14.55 metres, respectively, together with an approx. 679 sq. m. GFA two storey over basement section with a maximum height above finished ground level of 8.90 metres, adjoining the east of the northern section.
- 2.1.2. The main building will include 4 no. 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 1 no. 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.

- 2.1.3. Construction of approx. 298 sq. m. GFA two storey office building to be located to north of main building, containing main reception area and general offices.
- 2.1.4. Provision of hardstanding area around main building providing vehicle circulation areas, processed and unprocessed materials storage areas and HGV / trailer parking spaces. 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 plans for the wider lands at this location and these works do not comprise part of the subject application proposals.
- 2.1.5. Provision of parking areas including 110 no. car parking spaces, including 7 no. provided within EV charging points, and 20 no. bicycle spaces, to be located adjacent to the facility entrance / exit at the north of the site. Provision of internal access road linking the proposed car parking, office building and main building. Provision of 2 no. weighbridges within the internal access road adjacent to the proposed office building.
 - Installation of 2 no. LPG tanks, to be located south of the proposed office building.
 - Construction of ESB substation within the main building.
 - Provision of bunded fuel storage area.
 - Provision of stormwater drainage and treatment infrastructure, including permeable paving, attenuation unit, infiltration area, rainwater harvesting tanks and associated works.
 - Site landscaping works, including provision of raised soil berm on part of the western boundary of the site with a maximum height of approx. 3 metres above finished ground level.
 - Firewater retention infrastructure will be provided by containment of the water in the southern section of the hardstanding area, part bounded by a retaining wall with a maximum height of approx. 1 metre above finished ground level.
 - Provision of site security fencing and entrance walls and gates.

- Provision of signage on both the proposed main building and the proposed office building.
- Provision of site lighting.
- All ancillary site development works.

2.2. The application is accompanied by the following;

- Environmental Impact assessment Report (EIAR)
- Natura Impact Statement (NIS)
- Engineering Report
- Planners Report
- Traffic Assessment Report
- Mobility Management Plan

3.0 Planning Authority Decision

3.1.1. Notification of the Decision to Grant Permission for the proposed development subject to 20 no. conditions issued on 19th February 2024. Conditions were generally of a standard nature. The conditions of note are outlined below;

- C2 – Financial Contribution €135,382.50
- C4 - The sound levels attributable to on- site operations associated with machinery or devices used as part of the operation within the premises at the development outside of the nearest noise sensitive location(s) to the development shall not exceed the following levels:-

(i) Leq (30 mins.) of 55 dB(A) between the hours of 07.00 and 19.00

No pure tones or impulsive characteristics shall be audible at any noise sensitive location(s) in the vicinity of the development between the hours of 19:00 and 07:00
- C9 - The developer shall enter into water and wastewater connection agreements with Uisce Éireann prior to commencement of development and

all development shall be carried out in compliance with Uisce Éireann Standards codes and practices.

- C15 - (a) All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist.

(b). Should archaeological material be found during the course of works, the work on the site shall be stopped pending a decision as to how best deal with the archaeology. The developer shall be prepared to be advised by the National Monuments Service of the Department of Housing, Local Government and Heritage with regard to any necessary mitigating action (eg. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

- C19 - 9. (a) Prior to commencement of development the applicant shall submit a "Site Layout Map" for the written agreement of the Planning Authority clearly displaying minimum visibility sightline requirement of 4.5m x 215 m over a height of 1.05m– 0.6m above road level in both directions at the proposed entrance to the IDA site on the public road R132 in accordance with Table 13.13 of Louth County Development Plan 2021-2027. I.e. Sightlines now require a sight distance of 215m at a point 4.5m back from the edge of the carriageway. The sightlines must be achievable to the nearside of the road in both directions (looking north and south). Note: Parent application 071435 indicated that an element of embankment re-grading was required to achieve forward visibility on the R132 on the east side approaching the site.

The applicant should note that the area within the visibility sightlines must be clear and provide a level surface no higher than 250mm above the level of the adjoining carriageway and shall be retained and kept clear thereafter.

No impediment to visibility sightline shall be placed, constructed, planted and/or allowed to remain within the visibility sightline triangle. Any proposed new/realigned boundary hedge/wall/fence shall be located behind the visibility sightline splay. Any pole, column, vegetation, wall, fence, tree or sign etc., materially affecting visibility sightlines must also be removed / relocated with consent obtained from the relevant authority to do so

3.2. Planning Authority Reports

3.2.1. The first Planners report (6th July 2023) considered the proposed development, submissions from third parties, internal and external referral reports, the planning history, and the relevant Development Plan provisions. The principle of development at this location is considered acceptable. The report also includes an assessment of the Environmental Impact Assessment Report and Natura Impact Statement.

Concerns were raised regarding the EIAR submitted. The report recommended that further information be requested. The further information request is summarised below;

1. The applicant to submit an archaeological assessment of the site.
2. Regarding the EIAR the applicant is required to further explore the mandatory assessment of alternatives and to compare their environmental impacts against the proposed location.
3. The applicant to prepare and submit a workplace travel plan which includes measures to promote a modal shift towards public transport.
4. The applicant to explore the possibility of development of solar energy infrastructure for onsite energy use.
5. The applicant is to submit a carbon footprint calculation and demonstrate how the new buildings, processes/activities will seek to achieve the targets set out in the Climate Action Plan.
6. Revised site and newspaper notices may be required.

Further Information was received by the Planning Authority on the 20th December 2023. The final planners report (dated 15th February 2024) concluded that having regard to the details submitted with this application at both initial and further information stages, including the EIAR and NIS, the further information submitted and referral responses received, it is recommended that permission is granted subject to conditions.

3.2.2. Other Technical Reports

- Placemaking and Physical Development – no objection to the development subject to conditions regarding sightlines, electric carparking, walking & cycling infrastructure, surface water management and right of way.

3.3. Prescribed Bodies

- Environmental Protection Agency - The development proposed may require a licence under Class 3 Metals of the EPA Act. The Agency has not received a licence application relating to the development described above. It is noted that 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 associated EIAR to the Agency as part of the licence application
- Uisce Eireann - The applicant is required to engage with Irish Water through the submission of a Pre- Connection Enquiry (PCE) in order to determine the feasibility of connection to the public waste water infrastructure. The Confirmation of Feasibility (COF) must be submitted to the planning department as the response to this further information request.

Please note that where Irish Water does not have waste water infrastructure within the public road fronting the proposed development a sewer extension will be required to cater for the proposed development. At this time a sewer extension is not on the current Irish Water Capital Investment plan.

- An Taisce – The plans and elevation represent a significant departure from the business park/incubator units provided for in the 2009 permission. The main processing building proposed includes four flue stacks 20 meters above finished floor levels for flue gas, white flumes from sink kettle exhaust air and exhaust air from the pre-treatment area. The submitted EIAR and planning statements have not adequately addressed the issue of alternative sites.
- Health and Safety Authority – the application may be covered by Regulation 24(2) © of SI 209 of 2015. (Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015) The authority seeks further information in accordance with 24 (10) from the applicant in relation to the application – specifically confirmation of the maximum annual anticipated tonnes of dangerous substances to be stored at the location. This shall include fuel sources stored onsite and dangerous substances for processing.

- Department of Housing, Local Government & Heritage - The applicant to submit an archaeological assessment of the site, through the submission of further information

3.4. Third Party Observations

There are 58 third party submissions received within the statutory timeframe. The issues raised have also been raised by the third party appellants within the appeal. The issues are summarised thematically under section 6.0 set out below.

4.0 Planning History

4.1.1. Reg. Ref.: 071435 / An Bord Pleanála Ref.: PL15.228184

Permission was granted in February 2008 for development including a new entrance off the R132, upgrade to the L6323 road and construction of access roads. Conditions of the decision were amended by An Bord Pleanála decision ref.: PL15.228184

4.1.2. Reg. Ref.: 09425 / An Bord Pleanála Ref.: PL15.235714

Permission was granted in October 2010 for development including 12 no. light industrial starter units – never constructed

4.1.3. Reg. Ref.: 18822

Permission was granted in December 2018 for development including a light industrial / warehouse building – never constructed

4.1.4. Reg Ref: 2360388/ ACP Ref - 320192

Permission Granted for a new Advanced Building Solution consisting of office and light industrial/production spaces, at the IDA Drogheda North Business Park, Mell, Drogheda, Co. Louth Permission for vehicular/pedestrian entrance, signage, car parking, cycle shelters, landscaping, underground water storage tank, independent ESB substation & switch room building, access road and all associated site works. The development has been the subject of a Screening for Appropriate Assessment in accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and the Planning and Development Act 2000 as amended.

4.1.5. PA reg ref 24/60817 (ACP – 323252-25)

Decision pending – Wastewater Pumping Station and all associated site works

5.0 Policy Context

National Planning Framework First Revision 2025

The NPF has been revised and updated to take account of changes that have occurred since it was published in 2018. The latest research and modelling by the Economic and Social Research Institute (ESRI), forecasts substantial population growth over the next decade. The NPF now plans for a population of between 6.1 to 6.3 million people by 2040, and for approximately 50,000 units per annum over that period, to meet additional population growth over and above the original 2018 NPF projections.

5.1.1. National Development Plan 2021-2030

The National Development Plan (NDP) sets out the level of investment which will underpin the National Planning Framework (NPF). It is estimated that an annual average of up to approximately 47,000 direct and 33,000 indirect construction jobs will be sustained by the investment over the course of the NDP.

5.1.2. National Biodiversity Action Plan 2023 – 2030

Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The 4th NBAP strives for a "whole of government, whole of society" approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to "act for nature".

5.1.3. Climate Action and Low Carbon Development (Amendment) Act 2021

This Act amends the Climate Action and Low Carbon Development Act 2015. It sets out the national objective of transitioning to a low carbon, climate resilient and environmentally sustainable economy in the period up to 2050. The Act commits us,

in law, to a move to a climate resilient and climate neutral economy by 2050. An Coimisiún Pleanála is a relevant body for the purposes of the Climate Act. As a result, the obligation of the Commission is to make all decisions in a manner that is consistent with the Climate Act.

5.1.4. Climate Action Plan, 2025

The Climate Action Plan was first published in June 2019 by the Department of Communications, Climate Action and Environment. The Climate Action Plan 2025 (CAP24) is the third annual update under the Climate Action and Low Carbon Development (Amendment) Act 2021. Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024. Key targets include a decrease in embodied carbon in construction materials by 10% for 2025 and 30% by 2030.

Commented [DM1]: Add Regional

5.1.5. Regional Spatial and Economic Strategy for the Eastern and Midland Region

Drogheda is identified as a Regional Growth Centre within the Core Region of the Eastern and Midland Region and was the fastest growing town in the most recent inter-census period. An element of the growth strategy for the Eastern and Midland Region is to target growth of the regional growth centres, including Drogheda, as regional drivers and to facilitate the collaboration and growth of the Dublin-Belfast Economic Corridor, which connects the large towns of Drogheda, Dundalk and Newry.

The RSES aims to enable Drogheda to realise its potential to grow to city scale, with a population of 50,000 by 2031 through the regeneration of the town centre, the compact and planned growth of its hinterland and through enhancement of its role as a self-sustaining strategic employment centre on the Dublin-Belfast Economic Corridor. It is anticipated Drogheda will accommodate significant new investment in housing, transport and employment generating activity.

A Joint Urban Area Plan is to be jointly prepared by Louth and Meath County Councils (given the town lies within the functional area of these two local authorities), in collaboration with EMRA, as a priority.

5.1.6. Louth County Development Plan 2021 – 2027

The appeal site is located within the urban area of Drogheda on lands zoned “E1 – General Employment”, with the associated land use objective “To provide for general enterprise and employment generating activities”. Drogheda is identified as a Regional Growth Centre in the Settlement Hierarchy. Regional Growth Centres are large towns with a high level of self-sustaining employment and services that act as regional economic drivers and play a significant role for a wide catchment area.

The following policies and objectives are considered relevant:

- 5.1.7. Development Plan Policy EE 1 is to ‘maximise the economic potential of Louth by building on its locational advantage along the Dublin-Belfast Economic Corridor and promoting and marketing the Regional Growth Centres of Drogheda and Dundalk for economic investment’
- 5.1.8. Development Plan Policy EE 4 is to ‘work in partnership with national employment agencies including Enterprise Ireland and the IDA, the EMRA, and the Council’s Local Enterprise Office in promoting Louth as a location of choice for economic investment and supporting employment generating initiatives and maximising job opportunities within the County’.
- 5.1.9. Development Plan Policy EE 22 is to ‘recognise the importance of and to encourage and facilitate the growth and development of local indigenous enterprises in appropriate locations in the County’.
- 5.1.10. Relevant Development Plan policies in respect of the Drogheda Regional Growth Centre include Policy CS 11 which includes supporting the Drogheda Regional Growth Centre as a regional economic driver targeted to grow to city scale with a population of 50,000 by 2031 and capitalising on its strategic location on the Dublin-Belfast Economic Corridor,

Policy EE 28, which is to prioritise economic development in Drogheda and Dundalk taking account of the strategic importance of the settlements along the Dublin-Belfast Economic Corridor and their designation as Regional Growth Centres in the RSES,

Policy EE 33 which is to promote the Drogheda Regional Growth Centre as a primary centre for employment in the County that maximises the locational advantage of the town along the Dublin-Belfast Economic Corridor.

5.1.11. The site is zoned 'E1 General Employment' under the Development Plan with objective 'To provide for general enterprise and employment generating activities'. The proposal may be acceptable in principle subject to an assessment of other environmental factors.

5.1.12. The Development Plan refers at Section 5.12.4 to two large parcels of undeveloped lands zoned for employment uses to the north of the town of Drogheda referred to as lands 'adjacent to the M1 Retail Park' and lands 'opposite Tom Roes Point ferry terminal', respectively, which are considered as including the E1-zoned lands within the west – including the application site – and east of the Northern Environs area.

5.2. Natural Heritage Designations

- River Boyne And River Blackwater (south direction) SAC (002299) 1.7km south
- River Boyne And River Blackwater (south direction) SPA (004232) 1.7km southwest
- Boyne Estuary (east direction) SPA (004080) 4.2km east
- River Nanny Estuary and Shore (southeast direction) SPA (004158) 10.7km southeast
- Clogher Head (Northeast direction) SAC (001459) 11.5km Northeast

Natural Heritage Areas

- Blackhall Woods – 10km to the North
- Mellifont Abbey Woods 11.5km north east

5.3. EIA Screening

The proposed development would exceed the relevant threshold(s) under Class 4 (b) (ii) and / or Class 4 (e) of Part 2 of Schedule 5 to the Planning and Development Regulations 2001 as amended –

'Installations for the processing of ferrous metals - application of protective fused metal coats, where the production area would be greater than 100 square metres' and 'Installations for surface treatment of metals and plastic materials using an

electrolytic or chemical process, where the production are would be greater than 100 square metres', respectively

Section 2 of the EIAR sets out that the area of the proposed development will exceed 100 square meters and is in an area which is on lands zoned for enterprise and employment. It is planned to process up to 36,000TPA of steel at the plant.

Mandatory EIAR is required.

6.0 The Appeal

6.1. There are 5 third party appeals on file. For the purposes of clarity and as a result of the overlapping nature of the appeal issues, the Grounds of Appeal will be summarised here thematically:

6.1.1. Site Zoning –

- All appellants have raised concerns regarding the site zoning and the unsuitability of the site for heavy industrial activity.
- The site is zoned E1 – General Employment under the Louth County Development Plan 2021 – 2027. The proposed development (Heavy Industry) is not permitted in principle on E1 lands.
- The planning history for the surrounding lands includes a 2018 permission for development including a light industrial/warehouse building on lands across the road to the northwest. There is a significant difference between light industry and warehouse and a heavy industry such as the dipping of galvanise.
- The proposal would be premature pending the publication of a joint Area plan for between Louth and Meath for Drogheda Environs. The Louth County Development Plan does not set specific polices for the location of heavy industry at Mell.
- Given this context the proposal represents a material contravention of the Louth County Development Plan. There is no justification provided for a material contravention of the Louth County Development Plan.

- The qualified “open for consideration” designation that applies to heavy industry within the E1 employment zoning is ambiguous and directly contravenes the Section 28 guidelines for local authorities. (Namely Section 6.2.5 states “General employment zonings with ambiguous or unclear objectives should not be provided for in the development plan, as they can result in conflicting uses that may give rise to competing operational or environmental requirements”).

6.1.2. EIAR – full extent of works not demonstrated

- Not all associated works have been assessed in the EIAR. The application site is 1.4km from the Irish Water wastewater network and the connection works have not been assessed in the EIAR.
- The upgrade works to the Regional Road that serve the site (R132) have not been included in application documents or assessed in the EIAR
- The principle of project splitting arises and it is highlighted the courts have determined that all aspects of the project are to be considered in the EIAR Legal principles in case law O’Grianna Vs An Bord Pleanala (2014) are applicable.

The developer has also revealed within the further information submission that the project involves activities at another location in Slane where preparatory works in the industrial process will take place.

- The EIAR fails to consider and lacks detail regarding the types of environmental impact from this type of facility and fails to provide quantitative details of the likely emissions.
- The process has not been described in detail, including the volume, duration and types of chemicals and fuels that will be stored and used on site and the volume of dangerous substances to be used and stored on site.
- There is a lacunae in evidence in relation to groundwater risk and air emission risk

6.1.3. Scoping

- The scoping of the EIAR was inadequate and therefore the views of statutory consultees have not all been properly canvassed. The public concerned were not involved in the scoping.
- The HAS's position has changed since scoping and it now says there is insufficient information for it to provide comments within its area of responsibility

6.1.4. Surface Water/ Soiled Water

- There is no survey of third-party wells carried out which are sensitive receptors in light of potential for groundwater pollution.
- The EIAR deals inadequately with storm water management on the site. It is proposed to manage storm water by infiltration to the ground in the northern portion of the site and to use a concrete tank with a controlled discharge to the drain.
- There is no mitigation proposed for uncontrolled discharges or incidental spillages to the northern portion of the site. No infiltration to the ground should be allowed given the high vulnerability of the site.
- Further details of shut off valve are required, manual/ automatic what exactly happens in the event of a spillage.
- The project involves works below the measured groundwater level, yet no mitigation measures have been provided for construction works within saturated ground.
- Serious concerns over the numbers of chemicals that are listed as being used in the process and their potential to enter the groundwater. There is a possibility of seepage from any amount of these hazardous materials feeding into the water supply and resultant contamination.

6.1.5. Alternative Sites

- Louth County Council has asked Hibernia to submit a "comprehensive study of reasonable alternatives which are outside the ownership of the applicant" The applicant has repeatedly asserted that they have submitted the minimum required in law

- The applicant has examined the same three sites on two occasions. A reasonable alternative site on serviced lands at Donore road was dismissed as a reasonable alternative with no rational or reasons provided.
- The proposal would be more appropriately sited closer to Drogheda port, the vacant serviced lands at Donore Road or adjacent to the applicants existing facility at Grangeneeth, Co Meath. The alternative sites considered in the EIAR conveniently end up at the appeal site because that is where the applicants “search” started. The planning report fails to address the specific location of the site as required by the statutory zoning objective for the site but instead repeats the applicant’s unsubstantiated mantra of the “creation of 110 jobs”.
- The further information supplied by the applicant did not address the concerns of the planning authority in relation to alternative sites. The updated information related to alternatives undermine the function played by consideration of alternatives in the EIA procedure.

6.1.6. Landscape

- The Louth Landscape Character Assessment (LLCA) was carried out in 2002. This predates the ratification and coming into force of the European Landscape Convention in Ireland and the adoption of the third edition of the GLVIA which radically redefined the concept of landscape, including for the purpose of the EIA. For example the LLCA defines landscape as “all that is visible when one looks across an area of land” whereas the ELC defines it as an area as perceived by people whose character is the result of the action and interaction of natural or human factors. The EIAR does not demonstrate awareness of the lacuna in the baseline. It is impossible to apply the various assessment criteria set out in the EIAR and/or deploy the GLVIA3 methodology in the absence of a Landscape Character Assessment that itself meets these requirements.
- There is no landscape or visual impact assessment of the 3m berm or 1m fence along the western boundary. The EIAR does not demonstrate

awareness of this lacuna in its baseline. It is impossible to apply the various assessment criteria set out in the EIAR and/or deploy the GLVIA 3 methodology in the absence of a Landscape Character Assessment

6.1.7. Travel to work plan

- The travel to work plan is entirely aspirational and fails to deal with real issues of traffic safety on one of the busiest roundabouts in Drogheda where there are very poor cycle lanes next to very poor footpath infrastructure.

6.1.8. Water Framework Directive

- The nature of the works will involve zinc discharges which will ultimately enter the ground water
- No detailed hydrological Zone of Influence has been identified nor assessed in the EIAR
- Article 4 of the WFD requires all water bodies to have achieved a status of “good” for all water bodies by 2027. This has not been addressed in the EIAR or planners report.
- There is no baseline characterisation of the bodies of groundwater and surface water which are hydrologically connected with the project. There is no hydrological conceptual model or receptor sensitive analysis provided to demonstrate compliance with Article 4 of the Water Framework Directive. Similarity specific measures in the water framework program have not been identified even though the planning process is part of making operational those measures.

6.1.9. Dust/Air

- No details have been provided of mitigation against releases of vapours and dust to air e.g details of scrubber and or filters and their reliability and maintenance and monitoring have not been provided.
- Emissions from the chimney stacks are a significant concern for residents. Dust fumes and acid fumes will blow over residential

gardens There is significant potential for long term health effects on health.

6.1.10. Roads/Transportation

- The development will result in a significant increase in traffic in the local area. The development will require large HGV/truck movements that cannot be catered for on the local road network.
- The requirement for inclusion of condition 19 (a) on the list of conditions by the council is highly irregular. Conditions are not appropriate establishing critical parameters that should inform the decision. The physical parameter should be established in advance of the grant of permission so that road safety aspects can be assessed.
- The proposal as set out is the definition of unsustainable development. The site is located in an area that has no public transport facilities, no footpath or cycle facilities and the proposal includes one car parking space per employee.
- Chapter 7 of the Louth County Development Plan summarises a wide range of sustainable transportation policies and objectives from a multitude of statutory planning guidance documents including the National Planning Framework, the Regional Spatial and Economic Strategy and Climate Action Plan. There isn't a single policy or objective in any of these documents that support this proposed development which is wholly dependent on private car to service the site at this remote un-serviced rural location.
- The workplace travel plan as presented is wholly unrealistic and fails to have due regard to the absence of pedestrian and cycling facilities within the environs of the site. Within chapter 6.1 of the plan 5 targets are set out to be achieved none of which can be met as a result of lack of existing infrastructure within the IDA site and the R132.
- The proposal will result in a traffic hazard as the actual travelling speeds along the R132 is faster than the 100kph posted speed limit. The existing junction between the IDA estate road and the R132 is

unfinished and this increases the hazardous nature of the local junction.

- The slow moving nature of HGVs moving circa 20 tonnes of steel and its interface with the junction, does create a significant traffic hazard. Reference is made to ABP ref 15.228185. It is essential that all necessary infrastructure is in place before the site is developed.

6.1.11. Visual Impact

- The proposal will be unsightly in the local landscape and should be deemed unsuitable for development for the area.
- No photomontage has been provided by the applicant showing the effect of their facility looking over the two adjacent houses. The facility will be fully visible to adjacent houses and this has not been noted or accepted within the planning documentation. The facility will be 17.30 meters in height and will have detrimental impact on amenity of neighbouring residents.
- The size and scale of the structure is not suitable for a largely rural area interspersed with residential development.

6.1.12. Carbon Footprint

- The carbon footprint report lacks details or specific examples as to how carbon reduction targets are to be achieved, or what movements are to be made at the outset during construction to reduce carbon footprint
- The climate action plan seeks to reduce fossil fuel demand by 7.5% by 2025 and 10% by 2030. It is suggested that Hibernia Steel may reach this goal by switching from diesel powered forklifts to electric forklifts, surely it would be better for the environment to start with electric forklifts.
- No plan has been made for seasonal adjustments with regard to solar green energy and solar panels and for the storage of seasonal electricity.

6.1.13. Masterplan

- Work has commenced on the proposed IDA business park of which the Hibernia Site forms part of. Landscaping and retention ponds have been put in place. Much of the development hinges on the IDA masterplan which observers have not been able to obtain from Louth County Council. No masterplan exists for the area surrounding M1 retail park and the R132.
- The proposed development is premature pending the provision of a masterplan for the undeveloped zoned land per section 5.12.4 of the development plan. The masterplan provided by the IDA and presented with the application shows outlines of buildings, car parking areas, water features, grass etc. This indicative layout only relates to part of the employment zoned land and ignores vast swathes of adjoining employment zoned land that should also be part of any masterplan. The proposal also fails to have regard to approved industrial/warehouse development per planning permission 18/822.
- There are significant and material infrastructural deficiencies associated with this proposed development and overall IDA lands that render any development of these zoned lands as premature. As per policy objective EE37 and Section 13.5 it necessary for a full masterplan to be developed and agreed with Louth County Council.

6.1.14. Impact on residential amenity

- 4 emissions stacks are placed adjacent to two residential homes sitting in a “cut out” at one edge of the site. While lighting is addressed no concerns regarding noise, smell or pollution have been addressed.
- A noise level of 55Db has been quoted for the operation of the galvanising facility but this fails to take account of traffic to and from the site and the loading and unloading of metal.
- Strict hours of operation between 9 and 5 for processing should be put in place to minimise disruption to residents.
- The industry is dirty, noisy and smelly at odds with image presented within the EIAR.

6.1.15. Protected Structure – Killineer House & Gardens

- Killineer House and Gardens are of local, country and regional significance in terms of their cultural and architectural heritage and are available for visitors. The potential for toxic and potentially highly pollutant heavy industry in close proximity to Killineer House and Gardens with the real prospect of further dirty industry being planned for the North Drogheda Business Park would detrimentally affect the setting, amenity and natural environment at Killineer.

6.1.16. IDA Works

- As per planning permission 18/822 planning permission was granted to IDA to carry out infrastructural work on site. Works proposed relate to embankment regrading works on the eastern side of the R132 to achieve forward visibility for approaching traffic on the 100kph R132.
- Site foul drainage works were also identified along the R132. Planning permission 18/122 expired on the 12th of February 2024. The IDA nor the applicant can cherry pick which parts of the approved development it implements whilst ignoring the rest of the approved development. As the application has expired it is submitted the IDA works cannot be implemented without a fresh planning permission and thus the proposal by Hibernia Steel does not have the necessary roads or drainage infrastructure to proceed.

6.1.17. Water Supply/ Foul Sewer

- Based on the Irish Water confirmation of feasibility it is submitted that the proposal does not have the required access to water supply or foul drainage. The IW letter clearly states that water connection is feasible to the 550 mm diameter watermain recently laid on the R166, the proposal is to connect to a pipe at the access road linking chapel lane to the R132. That pipe or connection works are not within the redline boundary of the site or within other lands in the applicants or the IDA's control.

6.1.18. Natura Impact Statement and EIAR

It is submitted that the NIS and EIAR as submitted are inadequate for the following reasons:

- Neither the NIS nor EIAR consider the full extent of proposed development which must include the roads and services infrastructure or the IDA works as they are referenced in the application.
- The consideration of other proposed or approved developments as part of the cumulative impact on the environment has been inadequately addressed in the EIAR. The EIAR does not adequately address any other developments that have been considered in conjunction with the proposal.
- The consideration of alternatives is too narrow and selective. The cursory examination of three alternative sites inadequate and fails to adequately consider other comparable zoned lands in Drogheda.
- The EIAR does not consider within a 20 minute proximity of the applicants existing plant where there is potential for providing the galvanising plant.
- There is space within the applicants current site to facilitate the development on lands that area serviced.

6.2. Applicant Response

The applicant has submitted a detailed response to the grounds of appeal as submitted by third parties. The applicant dealt with each individual appeal separately. For the purposes of this report, I have addressed the response of the applicant thematically as follows:

6.2.1. Zoning Matters

The site is on lands zoned E1 – “general industry” is generally permitted within the zoning, heavy industries are open for consideration in this zoning as deemed appropriate to the specific location. i.e where on a case by case basis, the siting of the development is considered acceptable. The term “heavy industry” is not defined in the development plan. If the Coimisiún considers the proposed development falls into the category of “industry general” then the proposed development is considered generally permitted use on E1 zoned lands. Where the Coimisiún considers the proposed development a relevant “heavy industry” the Coimisiún is referred to – the detailed planning rationale for the siting of the site set out within Section 5 of the Planning Report submitted with the application and the report of Planning Officer for

Louth County Council. Furthermore, the EIAR accompanying the application demonstrates that no environmental or amenity concerns should arise.

15 Reasonable alternatives have also been considered within the EIAR.

It is therefore concluded that whether the development is considered industry general or heavy industry the proposed development accords with the zoning for the area.

6.2.2. Prematurity pending the joint Local Area Plan for Drogheda

Some of the grounds of appeal refer to the belief that it is intended to provide a more up to date zoning for the area within the joint local area plan for Drogheda. That it is the intention of the joining Drogheda local area plan to provide a specific “heavy industry” zoning within Drogheda. There is no reasonable basis for the assumption that a special zoning will be implemented within the Joint Drogheda Local Area plan to accommodate “heavy industry”.

6.2.3. Project Splitting

It is submitted project splitting has not occurred, the relevant plans as indicated by the appellants are not assessed as part of the “project” as they do not form part of the proposed development. The relevant IDA lands have a purpose and function independent from the proposed development – this differs significantly from the “interdependence” referenced within the O’Grianna judgement as referenced by the appellant.

The reference to other activities related to the development outside of the redline boundary is not relevant to the issue of project splitting as referenced by the applicant. The other part of the process involves preparatory steps in the industrial process within another facility in Slane Co. Meath. The information supplied within the further information was to demonstrate the degree of movement potentially between the two facilities. The existing and proposed facilities will not be mutually interdependent. The proposed development is intended to primarily serve a prospective market in galvanised steel and is not dependent on the other facility in Slane Co. Meath.

6.2.4. Alternative Locations

It is submitted that a comprehensive consideration of alternative locations has been submitted with the application. This was done at further information stage with an updated EIAR addendum report.

6.2.5. Cumulative Effects

As set out under Section 1.9 of the EIAR accompanying the application – a description of likely significant effects of the project on the environment resulting from the cumulation of effects with other existing and/ or approved projects is required. It is submitted chapters 4 to 13 of the EIAR has an assessment of the considered cumulative effects with existing and approved projects as required under EIA Directive and Planning and Development regulations.

6.2.6. Prematurity in respect of infrastructure Delivery

As per the EIAR and IDA letter which accompanies the application, the IDA clearly has a project for delivery of the requisite infrastructure to serve the business park. The IDA Ireland has recently confirmed that its plans for infrastructure to serve the business park include a footpath connection and public lighting along the R132 between the business park and the N51 (Rosehall) roundabout, and a cycle path along the R132. The plans by IDA to serve the business park with requisite infrastructure would not be prejudiced by granting permission for the proposed development.

6.2.7. Transport & Access

- All loads in and out of the site would be accommodated on regular HGV's or smaller, that no abnormal loads would be required and that for confirmation, the size of the galvanising bath limit lengths would be a maximum of 14.5meters. No abnormal loads are required.
- In relation to Traffic and Transport Assessment a further sensitivity assessment was undertaken which doubled the construction and operational trip movements within the modelling. This confirmed the findings of the TTA that the developments impact on existing and future traffic movements will be negligible.
- The applicant has supplied sightline drawings as part of the appeal to comply with Condition 19 of Louth County Council decision to grant. The issue of

overgrown vegetation at the entrance to the IDA industrial estate is a matter for Louth County Council and the maintenance of same along with embankment regrading works as identified under 07/1435 parent permission.

6.2.8. Sustainable Transport

IDA Ireland proposes the following works in the business park to address improved sustainable transport modes:

- Plans for a footpath connection and public lighting between the business park along the R132 where it connects with N51 Rosehall roundabout. These are to be carried out as part of further information request by Louth County Council under planning permission 23/60388.
- South of the N51 roundabout along the R132 already has stretches of Road that offer segregation for cyclists on both sides of the road.
- Louth County Council's Drogheda Active Travel Scheme Phase 3 were recently made subject to public consultation, these plans include a new footpath/cycle lane along the N51 and R168 to the south of the site.
- IDA intends to explore the potential delivery of a bus stop in the business park mainly Bus Eireann route 100 Dundalk – Drogheda runs along the R132 at has potential to provide connectivity from the business park to Drogheda town centre, Dundalk Institute of Technology among other areas of Drogheda.
- A workplace travel plan has been prepared in respect of the proposed development. It is submitted that the workplace travel plan is wholly consistent with the requirements of the Development Plan Section 13.16.13

6.2.9. Groundwater/Surface Water contamination

As part of enclosure A within the applicant's submission the agent for the applicant has addressed each item raised in relation to groundwater/ surface water in turn. The applicant sets out that all aspects of stormwater management approach have been clearly presented in Chapter 8 of the EIAR and drawing no C216-DR-BCON-C-101. Full SUDS measures have been set out along with full details of storage of raw metal and galvanised material. It is set out that all processing will occur indoors with no possibility of discharge of soiled water to ground from the process itself.

Groundwater and Surface water bodies are fully characterised in Section 8.4.8 and Section 8.4.10 of the report. This includes groundwater flow direction

6.2.10. Noise

The proposed development includes a soil berm and acoustic fence which will be constructed along the western boundary of the site and the nearest noise sensitive receptors. The predicted residual noise levels at the nearest NDR's as set out in Section 10.9.2 of the EIAR will be 39LAeqT- 1 hour.

6.2.11. Landscape/ Visual Assessment

The LVIA was prepared by an experienced Chartered Landscape Architect following best practice methodology as set out within the third edition of the Guidelines for Landscape and Visual Assessment. Whilst the Louth Landscape Character Assessment provides helpful supporting information on a larger scale, it is the localised landscape character associated with subject site combined with the proposed development typology, which formed the basis of the LVIA findings.

6.2.12. Climate/ Carbon Calculations

The proposed facility has considered the Climate Action Plans and has been cognisant of the Louth County Development Plan climate objectives. The methodologies used for calculating carbon footprint are accepted by internationally recognised organisations such as the IPCC.

6.3. **Planning Authority Response**

- The planning authority are satisfied that the planning reports on file address all issues raised in the appeal.

6.4. **Observations**

An Taisce – The plans and elevation represent a significant departure from the business park/incubator units provided for in the 2009 permission. The main processing building proposed includes four flue stacks 20 meters above finished floor levels for flue gas, white flumes from sink kettle exhaust air and exhaust air from the pre-treatment area. The submitted EIAR and planning statements have not adequately addressed the issue of alternative sites.

6.5. Further Responses

6.5.1. The appellants have submitted further responses to the applicants response to the appeal. The appellants have restated their concerns over a number of aspects of the application. There were no new issues raised. The main issues raised in the responses are as follows:

- Zoning – The proposed development is clearly a heavy industry and must be considered as such. Heavy Industry is not a permitted development in the zoning matrix.
- Project Splitting – Having regard to the extent of works required to be undertaken by the IDA for the purposes of facilitating the development, the limited scope of the EIAR as presented represents project splitting.
- Prematurity/Drogheda Joint Urban Area Plan – In the absence of local polices in the County Development, the only other statutory plan with specific local polices for the location of Heavy Industry is the Drogheda Joint Urban Area Plan and this has yet to be adopted. The application is therefore premature.
- Alternative Locations- The developer has not engaged with all arguments with respect to alternative locations.
- The development is premature pending infrastructure delivery.
- There are issues with sightlines and a dependence of third partes to carry out works to achieve sightlines.
- In relation to water the applicant has failed to demonstrate a conceptual understanding of the geological and hydrogeological setting of the site. There are a number of shortfalls in the assessment of water management for the site.
- The EIAR expressly relies on the Louth Landscape Character Assessment which was prepared before the adoption of the ELC and GLVIA 3rd edition. Therefore the EIAR chapter has been prepared without an appropriate baseline for the Landscape.

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7.0 Assessment

7.1. In terms of assessing the planning application there are four separate elements: a planning assessment, an environmental impact assessment (EIA), an appropriate assessment (AA), and the water framework directive (WFD). With regards to the Environmental Impact Assessment (section 9), Engineer with the Commission, Owen Cahill, was appointed to assist with the Environmental Impact Assessment and Water Framework Directive and has assessed certain topics within this section of the report. This planning assessment section addresses issues that are not more appropriately addressed in the EIA e.g. principle of development and it should be read in conjunction with the EIA, AA, and WFD sections. Having examined the application details and all other documentation on file, including the grounds of appeal and observation, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal, other than those set out in detail within the EIA, AA, and WFD are as follows:

- Principle of Development
- Masterplan
- Impact on neighbouring Residential properties
- Workplace Travel Plan
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

7.2.1. Several appellants have raised concerns regarding the zoning of the site, arguing that the proposed development for galvanising dipping constitutes "heavy industry," which is not compatible with the site's zoning as "Enterprise and Employment." It is contended that as the site is not specifically zoned for heavy industry, the proposed development materially contravenes the Louth County Development Plan. Furthermore, it is argued that a "special industry" zoning, as outlined in Section 28 Guidelines, would be required to permit such a development.

7.2.2. In response, the applicant has submitted the following arguments. The site is located on lands zoned as E1, which allows for "general industry" as a generally permitted

use, while "heavy industries" are considered open for consideration based on site-specific circumstances. The applicant contends that the development is consistent with the zoning, given that "heavy industry" is not explicitly defined in the Development Plan. The applicant suggests that if the development is classified as "general industry," it would be deemed generally permitted. However, should it be considered "heavy industry," the applicant refers to the planning rationale set out in Section 5 of the Planning Report and the planning officer's report for Louth County Council, both of which support the siting of the development. Furthermore, the Environmental Impact Assessment Report (EIAR) submitted with the application addresses potential environmental and amenity concerns.

- 7.2.3. Upon reviewing the information and visiting the site, I note that the site is located in a greenfield area outside the town of Drogheda, within lands designated as E1 – "General Employment" in the Louth County Development Plan 2021 to 2027. The zoning objective for this area is to "provide for general enterprise and employment-generating activities." Under this zoning, "Industry General" is considered a generally permitted use, while "Industry Heavy" is open for consideration, subject to the appropriateness of the location. Therefore, the determination of the principle of development depends on whether the proposed use is classified as "General Industry" or "Heavy Industry."

In the case of "Heavy Industry," the principle of development may still be acceptable, subject to an analysis of the specific location.

- 7.2.4. The Louth County Development Plan does not provide a specific definition for "Heavy Industry." However, the Planning and Development Regulations 2001 define "Light Industrial" buildings as those where activities can be carried out without detriment to the amenity of residential areas, particularly in terms of noise, vibration, smell, or other nuisances.

- 7.2.5. The applicant has provided a breakdown of the galvanising process as follows:

Galvanising is the process of applying a protective zinc coating to steel or iron, to prevent rusting. The proposed (and most common) method is hot-dip galvanising, in which the parts are submerged in a bath of hot molten zinc. It is proposed to process a maximum of 36,000 tonnes of steel per annum. Production will start on a phased basis, with 12,000 tonnes per annum during year 1 of production and increasing to a

maximum of 36,000 tonnes per annum by Year 3. All assessments in this EIAR have been based on an annual production capacity of 36,000 tonnes per annum from year 1.

In general the galvanising process consists of the following steps:

- Stripping (acid bath) (HCl) to remove zinc and other impurities
 - Degreasing (alkaline bath) (TIB Clean-A 300).
 - Rinse
 - Pickling to remove iron oxides & scales (acid bath) (HCl)
 - Rinse
 - Fluxing to prepare surfaces for the metallurgical phase by applying a saline layer that facilitates the Iron-Zinc bonding process. (Double salts ZnCl₂ & NH₄Cl)
 - Galvanising – immersion in molten zinc. Zinc kettle approx. 14.5mx1.8mx3m. The zinc is slowly heated to the melting point of Zn (ca. 4500C) and maintained at that temperature. The Zinc kettle will rarely be shut down.
 - Passivation is an optional step to prevent the formation of iron oxides post galvanisation.
 - Buffering
- The degreaser tank, rinsing tank and fluxing tank all have heating units. The zinc kettle has a high velocity furnace. LPG is used for heating purposes. 2 x 2T LPG tanks will be provided on-site.
 - Acid vapours from the Process Area are vented through a scrubber prior to discharge to atmosphere.
 - Flue gases from the gas furnace are passed through a heat economizer and ventilator prior to discharge to the atmosphere.
 - White fumes (dust) are generated by the immersion of steel into molten zinc. These fumes are segregated inside the hood above the zinc kettle and are

sucked by a ventilation system through a bag filter. Filtered air is then discharged to the atmosphere.

7.2.6. The applicant has also completed an EIAR to ensure that appropriate mitigation measures are in place to address potential pollution, water quality, noise, and air emissions. In my opinion, the proposed development qualifies as "Heavy Industry" under the general understanding of this term. The EIAR assessment is carried out under Section 8 of the planning assessment.

7.2.7. The first-party appellant refers to the Section 28 Development Plan Guidelines for Planning Authorities (July 2022), which define "Heavy Industry" as capital-intensive manufacturing, production of heavy items, and industries likely to cause emissions. In this context, the appellant argues that the development would need to be subject to a "Special Industry" zoning, as outlined in the Section 28 Guidelines. I note the Section 28 "Development Plan – Guidelines for Planning Authorities are dated 2022 and the current Louth County Development Plan runs from 2021 to 2027. As such the existing development plan predates these guidelines. |

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Additionally, the appellant claims that granting permission for a heavy industry development at this stage is premature, pending the adoption of the Drogheda Joint Local Area Plan.

7.2.8. With regard to the Joint Local Area Plan, it is important to note that both Louth County Council and Meath County Council have issued a joint issues paper, with submissions invited until March 2024. The preparation of the joint local area plan is currently on hold, pending the adoption of the Planning and Development Act 2024 and the implementation of Urban Area Plans in place of Joint Local Area Plans. At the time writing this report, this process has not commenced. The Louth County Development Plan 2021 – 2027 is the statutory plan for the area, and its existing zoning provisions apply.

7.2.9. The site and surrounding lands have been identified for future business park and employment park development under previous planning permissions, including:

- PA Reg. Ref. 07/1435/ABP 15228184 (February 2008) – Permission granted for a new entrance and access roads.

- PA Reg. Ref. 09/425/ABP 15/235714 (October 2010) – Permission granted for the development of 12 light industrial starter units.
- PA Reg. Ref. 18/822 – Development including light industrial/warehouse building.
- PA reg. Ref 23/60388, ACP 320912- Development for the construction of an office and industrial/production spaces

7.2.10. The entrance off the R132 and the internal access roads have been substantially completed, further facilitating the development of the business park. The lands at this location have been zoned for employment purposes across three consecutive development plans. This zoning has created an expectation of industrial and warehousing-type development at this site, which aligns with the current proposal.

7.2.11. The following objectives/sections from the Louth County Development Plan are pertinent to the assessment of the principle of development:

- Policy Objective EE4: "To work in partnership with national employment agencies including Enterprise Ireland and the IDA, the EMRA, and the Council's Local Enterprise Office in promoting Louth as a location of choice for economic investment and supporting employment-generating initiatives and maximising job opportunities within the County."
- Section 5.12.4: Highlights that there is limited capacity for expansion of existing industrial parks in Drogheda, with Mell Industrial Park identified as one of two new industrial parks for development.
- Policy Objective EE38, Chapter 5: "To support the development of employment lands in the town, including:
 - i) The lands in the northern part of the town adjacent to the M1 Retail Park.
 - ii) The lands adjacent to Tom Roes Point.

Development shall only take place in areas where a Masterplan has been agreed in writing with the Planning Authority in accordance with the requirements set out in Section 13.5 'Masterplans' in Chapter 13 - Development Management Guidelines."

7.2.12. I consider that the proposed development, which involves galvanising processes, falls within the category of "heavy industry." The zoning of the site as E1 – "General

Employment" allows for "General Industry" as a generally permitted use and "Heavy Industry" as open for consideration, subject to a location-specific analysis. Given that the surrounding lands have been developed for employment and industrial purposes, and the fact that the current zoning permits heavy industry subject to site-specific considerations, On this basis I consider the principle of development to be acceptable. The proposal is consistent with the development zoning objectives of the Louth County Development Plan 2021 – 2027. Subject to further assessment of environmental and residential amenity impacts of the proposed development, I consider the principle of development at this location to be acceptable.

7.3. Master -planning

- 7.3.1. The first party maintains that the lands at this location should be subject to an appropriate and fully detailed masterplan. Reference is made to Policy Objective EE38 of the Development Plan, which states that development of the lands at Mell shall only take place in areas where a masterplan has been agreed in writing with the planning authority. It is submitted that the IDA concept masterplan lacks sufficient detail to be considered a masterplan as prescribed in the development plan. It is stated that not all zoned lands are indicated on the "preliminary sketch", and that the plan fails to have regard to the previously approved warehouse/industrial development permitted under 18/822.
- 7.3.2. The applicant sets out that a "concept" masterplan has been provided with the application, under Drawing No. IE0312732-48-SK-0004, together with a "Site Fit Test" plan, and that this material was accepted by the planning authority in its assessment of the application. Planning Permission 18/822 has lapsed with no development occurring on site.
- 7.3.3. Having reviewed the "concept" masterplan, I note that the plan, prepared by the IDA, functions at an overview or indicative level. The planning authority has confirmed that it was satisfied with the masterplan as submitted. The applicant has also indicated that additional service infrastructure for the lands at Mell will be delivered as part of future IDA works, including completion of the internal roadway and provision of wastewater and water supply connections.
- 7.3.4. Chapter 13.5 of the Louth County Development Plan outlines the requirements for preparation of masterplans. With respect to these, I note the following:

- Masterplan area and land use breakdown: Not expressly quantified, though the lands are stated to be in IDA ownership.
- Landowners: IDA Ireland own the subject lands.
- Conceptual layout and design brief: A detailed conceptual layout has been provided. A formal design brief has not been submitted.
- Key challenges: Not explicitly identified, though no major constraints are set out.
- Building types and design: Details of proposed building forms and unit sizes have been submitted.
- Connectivity and permeability: Vehicular access is shown; the Traffic Assessment separately outlines pedestrian and cycle connectivity to the site.
- Services (water, wastewater, surface water): Indicative SUDS measures are included; wastewater infrastructure is to be brought to the redline boundary.
- Infrastructure upgrades: The applicant has outlined expected upgrades and proposals in the planning statement.
- Environmental constraints: No significant constraints identified in respect of flooding, archaeology or European sites.
- Phasing: No phasing plan is provided, though infrastructure upgrades are described.
- SUDS: Indicative SUDS proposals have been included.

7.3.5. While I note the first party's concerns regarding a potential lack of detail, I consider, on balance, that the masterplan as submitted provides a reasonable indicative platform for the future development of these IDA lands. The "Site Fit Test" illustrates a potential development pattern for the wider landholding, and the applicant has provided meaningful detail regarding future service delivery, which is considered further under Section 8.5 of this report. Other relevant documentation provided with the appeal provides sufficient information to allow for a holistic assessment of lands at this location.

7.3.6. Overall, I consider the submitted masterplan to be consistent with the requirements of Section 13.5 of the Development Management Standards of the Louth County

Development Plan.. In my view the applicant has complied with Policy Objective EE38 of the Louth County Development Plan 2021 – 2027. The planning authority accepted the masterplan has submitted by the IDA for these lands and are satisfied with the level of detail provided. In my view no material contravention has occurred of policy objective EE38 of the Louth County Development Plan as a masterplan has been provided by the applicant and its detail accepted by the local authority. I do not consider the matters raised regarding master-planning to be of such substance as to justify a refusal of permission in this instance

7.4. Impact on neighbouring residential properties

- 7.4.1. All third-party appellants expressed concern regarding the proximity of the proposed development to adjoining residential properties and the associated effects on residential amenity. The issues raised include potential visual, noise, air quality, dust and traffic impacts. These matters are addressed within the relevant chapters of the EIAR. Landscape and visual impacts in the wider receiving environment are assessed in Section 9.16 of the EIAR.
- 7.4.2. The purpose of this section is to consider site-specific impacts on the two nearest residential properties to the west of the site, particularly given that the proposed structures would be located approximately 26.1 m from the closest residential boundary.
- 7.4.3. The building presents a utilitarian warehouse-type form, finished in dark cladding, with extensive roller shutters to the eastern elevation and portions of the western elevation. The applicant submitted 3D visualisations, but these do not provide contextual views from the neighbouring dwellings to the west.
- 7.4.4. The proposal comprises a total of 5,719 sq.m GFA industrial building to accommodate a hot-dip metal galvanising plant, associated machinery and operational functions. The building comprises:
- Northern Section: c. 2,636 sq.m, maximum height 17.30 m above finished ground level.
 - Southern Section: c. 2,404 sq.m, maximum height 14.55 m.
 - Two-storey over basement element: c. 679 sq.m, maximum height 8.90 m, attached to the eastern side of the northern block.

- Four emissions stacks located on the roof of the northern block, extending 2.7 m above the parapet;
- One emission vent on the western elevation, 7.2 m above finished ground level.

7.4.5. Concerns have been raised that the height and scale of the proposed building would be visually obtrusive and out of character with the established pattern of single and two-storey dwellings in the vicinity.

7.4.6. It is acknowledged that the 17.30 m height substantially exceeds that of nearby housing. Moreover, the finished floor level of the building is approximately 3 m above the level of the R132, rendering the structure visually prominent from the public road. Although no levels are provided for the local access lane to the west, ridge levels for the adjacent houses are submitted: 52.48 OD and 50.98 OD respectively. The ridge height of the proposed main building would be 60.3 OD.

The western boundary of the site is characterised by higher natural ground levels, supplemented by substantial existing hedgerows and mature trees, all of which are to be retained. The landscaping plan proposes further planting and reinforcement of this buffer.

7.4.7. While the submitted Visual Impact Assessment could have provided a more focussed assessment from the viewpoint of the two neighbouring properties, the information available is sufficient to determine likely effects. The separation distance between the proposed building and the nearest rear garden boundary is in excess of 26m, supplemented by a robust vegetative screen along the shared boundary. Given the combination of intervening topography, existing and proposed landscaping, the orientation of the proposed structures, and the industrial zoning of the site, I am satisfied that the development would not give rise to an undue overbearing impact on the adjoining dwellings. While visible, the building would not dominate private amenity spaces to an extent that would seriously injure residential amenity. A further assessment of landscape and visual impact has been undertaken within Section 8.17 Landscape & Visual Assessment Chapter of the EIAR.

7.4.8. The nature of the use and the internal layout do not give rise to opportunities for overlooking. Overshadowing effects are unlikely due to the distance to boundaries and the orientation of the development. No significant loss of sunlight or daylight to adjoining dwellings is anticipated. The site is zoned for development, and there is a

clear planning context for transition away from a rural-fringe landscape towards a more urbanised employment-based character. The site lies within proximity to major transportation infrastructure, including: R132 immediately to the east; N52 approximately 700 m south; M1 motorway approximately 1 km away; Drogheda town centre approximately 3 km away and M1 Retail Park approximately 900 m to the south. Having regard to this context, the introduction of a large industrial structure, while visually different from adjacent housing, is not inconsistent with the established and emerging character of the area. The planning history of the site and the wider employment-zoned lands reinforces this transitional context.

- 7.4.9. Although the proposed building represents a substantial structure in proximity to two existing dwellings, the combination of separation distances, boundary vegetation, proposed landscaping, and local topographical conditions ensures that the development would not result in significant adverse impacts on the residential amenity of neighbouring properties. In particular, the proposed development would not cause unacceptable levels of overbearing, overshadowing, or overlooking. Furthermore, the zoning and evolving development pattern support the introduction of industrial-type built form in this location. Accordingly, I am satisfied that the proposed development would not seriously injure the amenities of adjacent residential properties and is acceptable in this regard.

7.5. **Mobility Management Plan/ Workplace Travel Plan**

Appellants have raised concerns over the car borne nature of the development and the lack of sustainable travel options to and from the site. It is set out that the sustainable travel methodologies outlined in the workplace travel plan are purely aspirational and are not possible to achieve.

- 7.5.1. As per Section 13.16.13 of the Louth County Development Plan the applicant is required to submit a workplace travel plan for the development proposal. The applicant submitted a Workplace Travel Plan (WTP) prepared by Boylan Engineering, outlining measures to promote sustainable travel modes and reduce dependence on private cars. The plan addresses the availability of public transportation, pedestrian and cycling facilities, and modal shift strategies. This section evaluates the proposed WTP in terms of its alignment with the Louth County

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Development Plan and its potential impact on transportation choices for the proposed development.

7.5.1. The WTP highlights the availability of public bus service options, the closest of which is 1.6km from the site. The bus stops include:

- M1 retail Park - 0.9km
- North Road – 1.8km
- Kileneer Cottages – 1.6km

McBride Train Station is located 4.9km southeast of the site and can be accessed via bicycle along the North Road.

The Train Station would connect the development to densely populated areas in the Greater Dublin Area and Dublin City Centre.

- Dublin to Dundalk Every hour during peak times
- Dublin Connolly to Belfast Central Every 2 hours

7.5.2. Proposed Transport Infrastructure

- PANCR - The Port Access Northern Cross Route Scheme (PANCR) would provide a direct link from the M1 Motorway to Drogheda Port, thus removing heavy port related traffic from the town centre. It would also release strategically located employment and residential lands in the northern part of the town which is of direct relevance to the development site. PANCR is proposed to deliver a two-way single carriageway 7.3m in width with segregated footway and cycle paths, linking the R132 to the west with the R166 and the R167 to the east. (Phase 1 of PANCR route was completed in March 2024. Funding issues have since delayed the project)
- M1 Corridors - The M1, as forming part of the Core Bus Network, serves long distance bus routes from Belfast, Dundalk, Derry, Monaghan and Drogheda, via Dublin Port Tunnel; and serves other regional bus routes from Balbriggan, Skerries and East Meath.
- Cycle Connects - A Technical Note has been released to accompany the proposed cycle network for Louth County Council and an excerpt of the proposed cycle network map for Drogheda is detailed in the Workplace Travel Plan. Roads

in the vicinity of the proposed development have been classified as Inter-Urban and Urban Primary routes. Where inter-urban routes have been proposed, there is a potential for off-road/segregated cycle facilities to be provided parallel to the existing road in the future and it is planned to provide high quality cycle facilities that can accommodate a high volume of cyclists along urban primary routes indicated within the map. The plans include a north orbital primary route running along streets such as Cement Road, Cross Lane, Crushrod Avenue, Bredin Street and North Strand. This would be supplemented by various primary routes connecting North Drogheda with the town centre. These primary routes are proposed along streets such as Trinity Street, R132 North Road, Windmill Road, R166 Shamrock Villas, Newfoundwell Road and King Street. Given the passage of time since the submission of the application, I note that the cycle connects network plan went through public consultation and concluded in late 2024. There are expected completion dates of the inter-urban routes in 2027 such as Hill of Rath to Southgate/Rathmullan Road. Other projects such as Dundalk to Drogheda route are not expected to commence until 2030. The developments connection to Drogheda town centre and suburban residential areas would improve once the project is completed.

- Dart + - Coast North Scheme is shown in Figure 5-3 of the WTP. The proposed works would see the extension of existing electrified railway which currently terminates at Malahide, as far as Drogheda MacBride Station. Drogheda MacBride Station would construct a new platform, modify the existing depot to train yard and reconfigure the current track layout, which is designed to allow for improved operational flexibility and maximised passenger capacity and Dart frequencies on the northern line. Dart + received planning permission in August 2025.

7.5.3. The pedestrian infrastructure around the development site is of high quality, with wide, well-maintained footpaths along the recently constructed chapel lane access off the R132 – (all IDA lands.) It is stated that the IDA has committed to providing a full pedestrian/cycle link along the R132 along with associated public lighting to connect the Business park to the N51 Rosehall roundabout. The proposed development will integrate new pedestrian links to these existing paths, ensuring safe access from bus stops and residential areas. (This information has been

detailed in recently approved permission 23/60388 and ACP Ref 320192. December 2025)

7.5.4. Cycle Infrastructure – There is ample capacity and space on site for the provision of bicycle parking spaces. Table 13.12 of Section 13.16.16 'Cycle Parking' of the Louth County Development Plan, requires the following number of bicycle parking spaces to be provided:

- Industry/ warehousing development: 1 long-term bicycle parking per 5 staff.
- Office development: 1 long term cycle parking space per 200 sq.m, and the number of short stay cycle parking spaces equates to the long-term cycle parking space.

The proposed development would include 110 employees and a 2-storey office element of 298 sq.m. The proposed development includes the provision of 26 bicycle parking spaces, which therefore meets the requirement of Louth County Development Plan. It is my view to align with wider climate strategies the number of bicycle parking spaces should be increased on site. There is ample room on site for their provision. This may sought by way of condition.

7.5.5. Modal Split and Travel Behaviour in County Louth - Based on a travel survey conducted in 2016 according to census data:

- The car is the dominant mode of transport with over 63% of commuters driving to work.
- Walking is the most popular sustainable mode of transport with 12.7% of commuters travelling to work on foot.
- There are fewer workers travelling by bus (5%) than there is car sharing (6.1%).
- The number of commuters travelling by train is low (1.5%); and only 2.2% of commuters cycle to work.

This data confirms and highlights the challenges facing the County with regard to promoting a modal shift away from the car.

7.5.6. To achieve a shift towards more sustainable travel, the WTP proposes:

- Regular Travel Surveys: Ongoing monitoring and evaluation of travel habits will inform future strategies to encourage alternative modes.

- Enhanced Public Transport Coordination: The plan includes negotiation with transport providers to improve service frequency, route directness, and cost. The IDA as part of the wider plans for Mell intends to seek provision for a bus stop within the overall business park/ industrial estate.
- Walking and Cycling Infrastructure Improvements: Upgrades to footpaths, cycle lanes, and secure parking aim to increase the attractiveness of these modes.
- Promotion of Travel Apps: Tools like the TFI Journey Planner and Real Time Ireland app will be promoted to staff to facilitate journey planning using sustainable modes.

7.5.7. Communication and Implementation Strategy -A robust marketing and communication strategy will ensure the ongoing promotion of the WTP. A Mobility Management Plan Coordinator will be appointed to oversee implementation, conduct surveys, and work with stakeholders to continuously improve the plan's effectiveness.

7.5.8. The Workplace Travel Plan demonstrates a well-considered strategy to encourage sustainable travel to the proposed development. The plan integrates public transport, pedestrian, and cycling facilities with marketing and policy measures to support a shift away from private car use. By addressing key connectivity, safety, and infrastructure requirements, the WTP complies with Section 13.6.3 of the Louth County Development Plan and presenting a realistic framework for promoting sustainable travel behaviours. I consider, the WTP adequately addresses the site's mobility needs, with a particular focus on promoting sustainable modes of travel. The development's location and the measures proposed are likely to facilitate a positive modal shift, supporting a reduction in car journeys and improving overall accessibility. The applicant has sufficiently demonstrated the capacity to deliver the WTP, and the plan should be regarded as a suitable strategy for achieving the desired mobility outcomes.

7.6. **Other Matters**

7.6.1. Material Contravention

Third party appellants have raised the issue that the granting of permission on E1 zoned lands for heavy industry is a “material contravention” of the Louth County Development Plan 2021 – 2027. As set out in Section 8.1 above the zoning for the site is set out in the Louth County Development Plan and the provision of “heavy industry” is open for consideration subject to site-specific circumstances. In my view the proposal as presented is not considered a material contravention as “heavy industry” is open for consideration and within the zoning parameters of the E1 zoning. Therefore I consider there is no material contravention associated with the principle of development at this location. The Commission should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act.

Commented [DM5]: Language.

7.6.2. Water and Wastewater:

Third-party submissions express concern regarding the clarity of the proposals for water supply and wastewater management. The application indicates that the proposed development intends to connect to the public water supply and foul sewer network.

I note email submission from Uisce Éireann dated 17th of April 2024. In its submission, Uisce Eireann advises that an IDA Ireland Mell Drogheda Park connection to the public network is feasible. This correspondence indicates that connection to both the public water and wastewater networks is technically feasible, subject to specified upgrade works. Uisce Éireann advises that these works must be undertaken at the applicant’s expense.

I further note the submission of application under PA reg ref 24/60817 (ACP – 323252-25) for the provision of new wastewater pumping station, rising main and all associated works. This development proposal pending decision from An Coimisiun Pleanala is immediately adjacent to the development site. I have searched Uisce Eireann Capacity Register (November 2025) and note there is capacity in the waste water network for Drogheda.

While the concerns raised by third parties are acknowledged, I am satisfied that the applicant has provided adequate information on the proposed water and wastewater arrangements. I have also Subject to the completion of the upgrade works identified by Uisce Éireann, the evidence before me indicates that sufficient capacity exists within the public network to accommodate the proposed development.

7.6.3. IDA works – future infrastructure

Concerns have been raised by third-party appellants regarding the extent of works required to complete the wider development of these lands, with the view that such works should be finalized prior to consideration of any further proposals at this location. It is acknowledged that additional planning applications have been lodged with Louth County Council in the intervening period, as outlined in Section 4 above, namely Planning application 23/60388 (ABP 320192 – granted December 2025 and PA reg ref 24/60817 (ACP – 323252-25) decision pending

The works identified by the appellants lie outside the redline boundary of the current application. Having regard to the nature and location of these works, I do not consider them to be material to the assessment or determination of the proposed development. The parent permission for the wider site dates from 2007, and internal road and footpath construction has progressed to an advanced stage.

I also note that, under Reg. Ref. 23/60388 (ACP 320192), the IDA has undertaken to complete a defined suite of additional road and footpath works to ensure that the necessary infrastructure is satisfactorily delivered. On the basis of the submissions and the evidence available, I am satisfied that there are no outstanding or material road or footpath works the completion of which would justify a refusal of permission in this instance.

7.6.4. Conditions

Third parties have raised concerns over condition 19 of the decision to grant permission as issued by Louth County Council. The condition sets out the following:

- C19 - 9. (a) Prior to commencement of development the applicant shall submit a "Site Layout Map" for the written agreement of the Planning Authority clearly displaying minimum visibility sightline requirement of 4.5m x 215 m over a height of 1.05m– 0.6m above road level in both directions at the proposed entrance to the IDA site on the public road R132 in accordance with Table 13.13 of Louth County Development Plan 2021-2027. I.e. Sightlines now require a sight distance of 215m at a point 4.5m back from the edge of the carriageway. The sightlines must be achievable to the near side of the road in both directions (looking north and south). Note: Parent application 071435

indicated that an element of embankment re-grading was required to achieve forward visibility on the R132 on the east side approaching the site.

The applicant should note that the area within the visibility sightlines must be clear and provide a level surface no higher than 250mm above the level of the adjoining carriageway and shall be retained and kept clear thereafter.

As per the appeal the applicant has supplied a drawing P22181-PMCE-zz-XX-DG-CR-001 & 002 both of which show sightlines in accordance with TII specifications and Louth County Development Plan specifications. With respect to regrading works the applicant has correctly pointed out that such works are a matter for the IDA as they are outside the red line boundary of the site and the works are to occur on Louth County Council property. In my view the addition of this condition is not necessary. The applicant has provided the requested sightline drawing. The access road and the junction with R132 have been constructed and are already subject to an assessment under parent permission. The regrading works are a matter for the IDA and the local authority to ensure safe access to all lands at this location. I did not note any impediment to sightlines on the day of site inspection. Therefore, I do not consider the issue of sightlines to be a substantive issue in this appeal and I do not consider the addition of condition 19 as set out by Louth County Council to be a necessity in this instance.

- 7.6.5. The Planning Authority's Notification of Decision to Grant Permission includes Condition 4 and Condition 5, which set out operational noise emission limits for the facility and require ongoing noise monitoring. These conditions appear to have been imposed with reference to the noise assessment contained within the EIAR.

The EIAR provides a comprehensive evaluation of predicted noise levels arising from construction and operational phases and outlines the associated mitigation measures, in accordance with the requirements of the EIA Directive and the EPA's EIAR guidance. I am satisfied that the EIAR adequately addresses the potential noise impacts for the purpose of the planning assessment.

The setting of operational noise emission limit values and the regulation of ongoing environmental noise monitoring for industrial activities of this nature are matters that fall within the statutory remit of the Environmental Protection Agency (EPA) under the Industrial Emissions (IE) licensing regime, as provided for under the

Environmental Protection Agency Act 1992 (as amended). Therefore, I do not consider it necessary for An Coimisiún Pleanála to attach Conditions 4 and 5 relating to noise limits and monitoring. These matters are more suitably and exclusively addressed by the EPA as part of the Industrial Emissions licensing process.

8.0 Environmental Impact Assessment

8.1 Statutory Provisions

It has been identified that an EIA is required as the proposed development would exceed the relevant threshold(s) under Class 4 (b) (ii) and / or Class 4 (e) of Part 2 of Schedule 5 to the Planning and Development Regulations 2001 as amended - 'Installations for the processing of ferrous metals - application of protective fused metal coats, where the production area would be greater than 100 square metres' and 'Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process, where the production area would be greater than 100 square metres', respectively

Section 2 of the EIAR sets out that the area of the proposed development will exceed 100 square meters and is in an area which is on lands zoned for enterprise and employment. It is planned to process up to 36,000TPA of steel at the plant.

8.2 EIA Structure

This section of the report comprises the environmental impact assessment of the proposed development in accordance with Planning and Development Act 2000 (as amended) and the associated Regulations, which incorporate the European directives on environmental impact assessment (Directive 2011/92/EU as amended by 2014/52/EU). Section 171 of the Planning and Development Act, 2000 (as amended) defines EIA as:

a. consisting of the preparation of an EIAR by the applicant, the carrying out of consultations, the examination of the EIAR and relevant supplementary information by the Coimisiún, the reasoned conclusions of the Coimisiún and the integration of the reasoned conclusion into the decision of the Coimisiún and

b. includes an examination, analysis and evaluation, by the Coimisiún, that identifies, describes and assesses the likely direct and indirect significant effects of the proposed development on defined environmental parameters and the interaction of these factors, and which includes significant effects arising from the vulnerability of the project to risks of major accidents and/or disasters.

Note: Reference to the Board in the legislation is appropriate to the time that the appeal was made etc. Also, An Bord Pleanála is now An Coimisiún Pleanála.

Article 94 of the Planning and Development Regulations, 2001 and associated Schedule 6 set out requirements on the contents of an EIAR.

This EIA section of the report is therefore divided into two sections. The first section assesses compliance with the requirements of Article 94 and Schedule 6 of the Regulations. The second section provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on the following defined environmental parameters, having regard to the EIAR and relevant supplementary information:

- population and human health,
- biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,
- land, soil, water, air and climate,
- material assets, cultural heritage and the landscape,
- the interaction between the above factors, and
- the vulnerability of the proposed development to risks of major accidents and/or disasters.

The assessment provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Commission's decision, should they agree with the recommendation made.

8.3. Issues Raised in Respect of EIA

The third parties raised a number of concerns regarding the EIA. These are addressed under each of the relevant chapters. Issues raised generally in respect of EIA by parties to the appeal are:

- Landscape/Visual Impact
- Noise
- Groundwater/Surface water pollution
- Traffic/ Access junction with the R132

The third party appeal has also raised concerns over the adequacy of the EIAR in relation to the following items;

- Alternative Sites
- Compliance with the relevant EIA directives and regulations (project splitting)
- Cumulative Impact

8.4. Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

Compliance with the requirements of Article 94 and Schedule 6 of the Regulations is assessed below.

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including the additional information referred to under section 94(b)).
<i>A description of the proposed development is contained in Chapter 2 of the EIAR including details on the location, site, design and size of the development, arrangements for access and construction methodology, emissions/waste to be generated. In each technical chapter of the EIAR, details are provided on use of natural resources and the production of emissions and/or waste (where relevant). The site is on zoned lands on a greenfield site, there is no demolition associated with the development</i>
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b)).
<i>An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is comprehensive and robust and enables decision making.</i>
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on

the environment of the development (including the additional information referred to under section 94(b)).
<i>The EIAR includes designed in mitigation measures and measures to address potential adverse effects identified in technical studies. These, and arrangements for monitoring, are summarised in Schedule of Commitments of the EIAR.</i>
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 (including the additional information referred to under section 94(b)).
<i>A description of the alternatives considered is contained in Chapter 3 of the EIAR. The alternatives considered include, 'do nothing', site selection, and alternative layout and design. The main reasons for opting for the current proposal were based on availability of serviced land and minimising environmental effects. I am satisfied, therefore, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Commission and in doing so the applicant has taken into account the potential impacts on the environment.</i>
Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).
A description of the baseline environment and likely evolution in the absence of the development.
<i>A description of the baseline environment is included in each technical chapter of the EIAR. I am satisfied this is sufficient to enable the assessment of likely effects and to enable decision making.</i>
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved
<i>The methodology employed in carrying out the EIA, including the forecasting methods is set out, in each of the individual chapters assessing the environmental effects. The applicant has indicated in the different chapters if difficulties have been encountered in compiling the information to carry out EIA.</i>
A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.
<i>The risk of accidents and unplanned events have been assessed in relevant specialist chapters of the EIAR. Specific risks have been identified in relation to the vulnerability of the project to oil/fuel spills. These risks are reasonable and are assessed in my report. I consider that the applicant's approach to major accidents and disasters is adequate and allows for a full and proper assessment.</i>
Article 94 (c) A summary of the information in non-technical language.
<i>This information has been submitted as a separate standalone document (Vol 1). I have read this document, and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.</i>
Article 94 (d) Sources used for the description and the assessments used in the report
<i>The sources used to inform the description, and the assessment of the potential environmental impact are set out at the end of each chapter.</i>
Article 94 (e) A list of the experts who contributed to the preparation of the report
<i>A list of the various experts who contributed to the report are set out in Tables 1-1 in Chapter 1 of the Report. The tables also set out details of the individual's expertise, qualifications which demonstrates the competence of the person in preparation of the individual chapters within the EIAR. I am satisfied that the EIAR has been prepared by experts with competency in the technical subject areas.</i>

8.5. Consultations

Third party submission on the application raised concerns that community consultation was not carried out.

The applicant has sample letter in the appendices outlining the consultation letters as issued. Details of the consultations entered into by the applicant with relevant stakeholders is set out in Section 1.7 of the EIAR.

The application has been submitted in accordance with the requirements of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) in respect of public notices. Submissions have been received from statutory bodies and third parties and are considered in this report, in advance of decision making.

I am satisfied, therefore, that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development advance of decision making.

8.6. Project Splitting

Third-party appellants contend that the proposed development constitutes project splitting, on the basis that the Environmental Impact Assessment Report (EIAR) has a limited scope and that additional enabling works by the IDA are required to facilitate the proposed galvanising facility. Reference is made to the judgment in O’Grianna v. An Bord Pleanála in support of this argument.

The IDA has identified a range of site development works to be undertaken within the wider landholding, including the provision of internal roads, footpaths, and water and wastewater connections. In addition, a separate planning application (PA Reg. Ref. 24/60817; ABP Ref. ACP–323252-25), submitted jointly by the IDA and Uisce Éireann, seeks permission for a wastewater pumping station, rising main, and associated infrastructure on lands located immediately opposite the appeal site. A decision on this application is currently pending before An Coimisiún Pleanála.

Having reviewed the submitted documentation and the nature of the associated works, I do not consider that the proposed galvanising facility, when viewed in conjunction with the IDA infrastructure proposals, gives rise to project splitting within the meaning of the EIA Directive. The development of the IDA’s industrial park lands represents a broader

strategic objective that is functionally and operationally independent of the applicant's proposal. The IDA infrastructure works serve the wider development of the employment lands and are not exclusively or primarily required to facilitate the galvanising plant. The industrial park will continue to develop and operate for a variety of employment uses irrespective of whether the galvanising facility proceeds.

Furthermore, I note the Office of the Planning Regulator's guidance in Advice Note PN02 Environmental Impact Assessment Screening, which cautions against extending the findings of O'Grianna beyond the context of wind energy and other power-generation projects. The relationship between a windfarm and its grid connection is materially different from the provision of utilities or internal services to an industrial or commercial development. In this context, the circumstances presented here do not align with those in O'Grianna and do not, in my view, necessitate their application.

Having regard to the above considerations, I am satisfied that the proposed development does not constitute project splitting and that the EIAR submitted appropriately addresses the environmental effects of the project for the purposes of the EIA Directive.

8.7. Compliance

Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001 (as amended) Matters of detail are considered in my assessment of likely significant effects, below.

8.8. Examination of Alternatives

8.8.1. Article 5 (1) (d) of the 2014 EIA Directive requires:

"(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;"

Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

“2. 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 and its specific characteristics, and an indication of the main reasons for electing the chosen option, including a comparison of the environmental effects.”

The matter of alternatives is addressed in Chapter 3 of the EIAR.

8.8.2. Issues Raised

A number of appellants have raised concerns regarding the assessment of alternative sites. It is stated that the proposal would be more appropriately sited closer to Drogheda port, the vacant serviced lands at Donore Road or adjacent to the applicants existing facility at Grangeneeth, Co Meath.

The applicant submitted a revised EIAR in response to a request for further information to address this aspect of the development. Upon receipt of further information the planning authority were satisfied that the issue of alternative locations was adequately addressed.

8.8.3. Alternative Locations

*Lands Adjoining East of Hibernia Steel Premises, Grangegeeth, Co. Meath
(Approximate centre point X: 695073 Y:778854)*

Consideration was given by the Applicant to locating the development on lands adjoining the east of the Hibernia Steel Premises in Grangegeeth, Co. Meath. No agreement to acquire the lands could be reached with the land owner (the land owner was not interested in selling the lands). In respect of planning and environmental considerations it was also noted that any proposed development on these lands at Grangegeeth would rely on ‘local’ classification rural roads for vehicular access, would not benefit from any specific zoning policy facilitating industrial development, and would not benefit from any known nearby connections to the Irish Water foul drainage network.

*Lands Adjoining West of Hibernia Steel Premises, Grangegeeth, Co. Meath
(Approximate centre point X: 694878 Y:778690).*

Consideration was given by the Applicant to locating the development on lands adjoining the west of the Hibernia Steel Premises in Grangegeeth, Co. Meath. No

agreement to acquire the lands could be reached with the land owner. In respect of planning and environmental considerations it was also noted that any proposed development on these lands at Grangegeeth would rely on 'local' classification rural roads for vehicular access, would not benefit from any specific zoning policy facilitating industrial development, and would not benefit from any known nearby connections to the Irish Water foul drainage network.

Lands at Drogheda Business and Technology Park, Co. Meath (Approximate centre point X: 706965 Y:774204)

The Applicant has contacted the IDA Ireland seeking possible siting options. Two options were provided by IDA Ireland, lands at Drogheda Business and Technology Park, Co. Meath, and the application site. Consideration was given by the Applicant to locating the development on the lands at Drogheda Business and Technology Park. The E1 Strategic Employment Zones (High Technology Uses) zoning policy at this location was considered less supportive of the proposed development than the E1 General Employment zoning policy at the application site.

8.8.4. Alternative Processes

Galvanising is the process of applying a protective zinc coating to steel or iron, to prevent rusting. The proposed (and most common) method is hot-dip galvanising, in which the parts are submerged in a bath of hot molten zinc. This can be done on a batch or continuous basis. Hibernia Steel propose to use a batch system. This is the most common galvanising method. The design of the proposed galvanising process and all associated specialised plant, machinery and works will be provided by a specialist supplier and is similar to other modern examples of such facilities.

8.8.5. Alternative Design and Layout

An alternative broad layout was considered at an early stage in the design process. This broad layout included the in-take / out-take area of the main building located to the north, and the processing and services area located to the south. The proposed development by contrast includes the in-take / out-take area to the south and the processing and services area to the north. This broad layout option was discounted in favour of the selected option. In respect of environmental considerations, the reasons for discounting this option included as follows:

- Siting the in-take / out-take area to the south as proposed increases distances from the two residential properties on the western site boundary and was identified as likely reducing noise effects on these receptors.
- consider proposed layout resulting in less impacts associated with required soil movement / earthworks

The overall size / scale of the project reflects key project parameters and technical and operational factors. The differing heights of the two main sections of the main building are for operational reasons and to accommodate required equipment

8.8.6. Do nothing – alternative

In a 'do-nothing' alternative, the proposed project would not proceed. In this event, the effects of the project on the environmental factors considered in this EIAR would not arise, including positive effects arising e.g. in relation to the anticipated generation of employment and economic activity. A 'do nothing' scenario may adversely impact the economic development of GABM limited and employment and social benefits for the local area would not be realised.

8.8.7. Conclusion

The applicant contends that the preferred option subject of the application is the most feasible availing of existing infrastructure and superior road infrastructure. It is also put forward that due to the lack of zoning adjacent to existing premises there is limited capacity for expansion into adjacent lands.

I consider the requirements in terms of reasonable alternatives have been satisfactorily addressed and the reasoning for the preferred option explained. It indicates how the proposed design evolved and how it was adjusted to take into consideration environmental effects. On balance, therefore, I consider that the requirements in terms of reasonable alternatives have been satisfactorily addressed and the requirements of the EIA Directive in this regard have been met.

8.9. Assessment of Likely Significant Effects

8.9.1. This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out Section 171A of the Planning and Development Act 2000, as amended:

- Population and human health.
- Biodiversity, with particular attention to the species and habitats protected under the Habitats and Birds Directives (Directive 92/43/EEC and Directive 2009/147/EC respectively).
- Land, soil, water, air and climate.
- Material assets, cultural heritage and the landscape.
- The interaction between these factors.
- The vulnerability of the proposed development to risks of major accidents and/or disasters.

8.9.2. In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

- Issues raised in the appeal/application.
- Examination of the EIAR.
- Analysis, Evaluation and Assessment: Direct and indirect effects.
- Conclusion: Direct and indirect effects

8.9.3. Engineer with the Commission, Owen Cahill, was appointed to assist with the Environmental Impact Assessment and has assessed the following Chapters of the EIAR;

- Population and Human Health
- Land, soil, and geology

- Water
- Air
- Climate
- Noise and Vibration
- The interaction between impacts on different factors.

8.9.4. Population and Human Health

Issues Raised

Issues raised within the appeal in respect of population and human health relate to impacts on residential amenity associated with the loss of visual amenity, increase in noise and traffic and impacts on water, health impacts associated with air pollution and property devaluation.

Environmental Impact Assessment Report

Chapter 4 addresses the impact on Population and Human Health and considers direct or indirect effects arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

Other matters which would have a direct bearing on population and human health such as water, air and climate, noise, traffic and landscape are addressed under the corresponding headings below. Invariably there is overlap and I recommend that they be read in tandem.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

Baseline

There are a number of residential dwellings located within the surrounds of the proposed development. These dwellings have been identified as potential receptors for any impacts that may arise as a result of the proposed development within the EIAR for topics such as noise and air quality. The density of housing in the area is consistent with what would be expected for a rural location with individual one-off houses being the predominant feature. There are no clusters of housing within the

500m buffer of the site considered by the various assessments. There are 16 no. dwellings within this 500m of the site boundary with the nearest dwellings located immediately adjacent to the western boundary of the site.

8.9.5. Population data from the Central Statistics Office (CSO) for the electoral division in which the proposed development site is situated has shown population growth which is consistent and also slightly above the national and county rate of change. The site is located in an area identified as the Northern Environs of Drogheda as referenced in the Development Plan. This area is zoned for general employment' with an objective to provide for general enterprise and employment generating activities.

8.9.6. Potential Effects

The EIAR identifies the potential for a range of environmental effects on Population and Human Health. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 1 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 1: Summary of Potential Effects

Project Phase	Potential Effects
Do nothing	<p>If the proposed development does not proceed, the lands would remain undeveloped and would be likely to continue in the current overgrown state unless repurposed into an agricultural use.</p> <p>The effects of the proposed development as assessed within the specific chapters for each topic within the EIAR with relevance to Population and Human Health would not arise.</p> <p>Employment and associate social benefits for the local area would not be realised.</p>
Construction	<p>Risk to human health in terms of water, traffic, noise and air quality.</p> <p>Workplace health and safety risks.</p>

	<p>Unplanned events</p> <p>During Construction the proposed development will lead to the creation of jobs although an estimate of the number of jobs during this phase has not been provided.</p>
Operation	<p>Risk to human health in terms of water, traffic, noise and air quality.</p> <p>Workplace health and safety risks</p> <p>Unplanned events.</p> <p>Once operational, the proposed development will provide 110 new jobs.</p>
Cumulative	<p>Cumulative effects with regards to specific topics and human health are dealt with in the chapters for water, traffic, noise and air quality & climate.</p> <p>Cumulative effects with other planned and permitted development, no significant effects envisioned.</p>

8.9.7. Mitigation Measures

Mitigation measures against the potential effects from the proposed development which may impact on human health, or the local population are considered within the specific chapters for each topic which would have a bearing on population and human health (Chapter 7: Land, Soils and Geology, Chapter 8: Water, Chapter 10: Noise, Chapter 11: Air Quality and Climate. Many of the mitigation measures are embedded in the design and based on current best practice guidelines with some developed specifically for mitigating the effects anticipated from the proposed development.

8.9.8. Residual Effects

Subject to adherence to appropriate mitigation measures, design standards and a construction and environmental management plan, the EIAR considered that any residual effects from the proposed development are not significant in terms of population and human health.

The EIAR also considers that the construction and operation of the proposed development will have a likely positive indirect effect on employment and economic activity in the area.

8.9.9. Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 4 of the EIAR and all the associated documents, including the applicant's response to the further information request, and submissions on file in respect of Population and Human Health. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the baseline environment, the potential impacts with Sections 4.6 and 4.7 providing reference to the relevant mitigation and monitoring measures throughout the EIAR to reduce any potential effects on population and human health.

Some direct and indirect positive effects will arise with local economic effects. Direct jobs will be created by the proposed development at construction and operation phase. Indirect jobs will also be created through the increased use of materials and logistics.

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. I am satisfied that significant effects can be avoided, managed and mitigated by the measures proposed that form part of the proposed development. These topics are assessed in further details in the sections below.

I am satisfied also that considering the lack of tourist features in the immediate vicinity of the site that it is unlikely to have any significant effect on recreational facilities or tourist resources.

An industrial facility has always the potential workplace health and safety risks. The proposed development will be required to develop and operate within the provisions of health and safety plans for both construction and operational phases.

It is noted that major accidents or disasters outside the operator's control could result in a risk to the local population. Such incidents could include fire, flood, explosions or oil/fuel spills. In practise these incidents are unlikely due to control measures proposed. All buildings will be designed and constructed as required by the Building

Control Regulations, and appropriate fire certificates will be obtained from Louth County Council. Fire prevention, detection and fire-fighting facilities such as hydrants will be present at the site. I note also the firewater retention infrastructure and the provision of automatic shut-off valves with manual overrides and detection on the surface water attenuation tank to prevent migration of contaminated fire water to surface water. The applicant has also set out a commitment to prepare an Emergency Response Procedure for the operational phase. I am satisfied that effects deriving from major accidents and/or disasters are not likely.

In relation to the observations from the HSA in January 2024 on the potential Control of Major Accident Hazards (COMAH) status of the proposed development, it is noted that the applicant has provided details within the EIAR of previous engagement with the HSA in 2022. The applicant provided details of the COMAH Notification Form which included an inventory of dangerous substances issued to the HSA. In addition, details of a response from the HSA has been provided which confirmed that the quantities of chemicals proposed were below COMAH Tier 1 and Tier 2 threshold levels. The HSA also stated that the proposed development would be the subject to inspection by the Chemical, COMAH, Production and Storage Unit at the HSA. I am satisfied that the information provided in the earlier engagement with the HSA has remained consistent within the planning application and subsequent appeal. I am also satisfied that the applicant has followed the correct notification procedure to the HSA under S.I. 209 of 2015 as part of their consultation.

In relation also to the HSA observations which noted that the development may be covered under Regulation 24(2)(c) of S.I. 209 of 2015 for new developments which may be the source of or increase the risk or consequences of a major accident, the applicant in their Response to the Grounds of Appeal have confirmed that the nearest COMAH Site to the proposed development is situated 4.19km from the proposed development and is outside the 600m consultation distance as advised by the HSA and set out in the Louth County Development Plan 2021-2027.

8.9.10. Conclusion: Direct and Indirect Effects

I have considered all of the written submissions, and any specific points made in relation to population and human health as well as the submitted application documentation. I am satisfied that impacts predicted to arise in relation to population

and human health would be minimal and can be managed and mitigated by the measures which form part of the proposed development, specified mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects in terms of population and human health.

8.10. **Biodiversity**

Issues Raised

The third parties did not raise specific issues with regards to biodiversity.

Environmental Impact Assessment Report

Chapter 5 addresses the impact on Biodiversity and considers any direct or indirect effects arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The assessment methodology included a desktop study of available data. The following surveys were also carried out:

- Initial Site Assessment - January 2023
- AA Screening and Natura Impact Statement - There are a number of SPAs and SACs within 15km of the proposed site.
- Habitat Survey – January 2023

8.10.1. The EIAR notes that the site was previously in agricultural use and then became part of a previously proposed Business Park. At this time, when the site was being prepared for the business park (ca. 2008-2010), most of the site and the lands to the north were cleared and readied for development, which inevitably due to the intervening time period has since become overgrown with scrub, small trees, grasses and brambles. Therefore the site has undergone habitat changes over a relatively short time period of ca. 13-15 years. The site habitats are all typical of disturbed ground that is recolonising due to years of neglect and lack of use and all habitat types merge into each other as natural succession has taken place on site.

8.10.2. No particular difficulties were encountered in the preparation of this chapter of the EIAR. There are existing hedgerows along the western boundary and these become

treelines in parts of the eastern and southern boundary. The site is completely open along the northern boundary. There are footpaths along the access road linking Chapel Lane (L6323) to the R132. There are overhead power cables traversing the site. In terms of topography, the site is elevated at the northern end compared to the southern end. There is a level difference of almost 10 metres across the site from north to south.

- 8.10.3. A Natura Impact Statement Appropriate (including Appropriate Assessment Screening Report) was submitted as a standalone document. To avoid any repetition the potential impact on the European sites is addressed in Section 11 below and Appendices 2 and 3.

8.10.4. Baseline

- 8.10.5. Habitats: The site comprises recently turned ground (15 year) and consists primarily of scrub and bramble. There is a small man made drainage ditch to the north of the site. There is some concrete footpath and tarmacadam's to the north east of the site. The scrub lands takes up the majority of the centre of the site, while immature woodland account for the south, east and west boundaries. There is a mix of native and non native tree line to the south east and west most boundary of the site. The entire habitat type is considered to have low to medium biodiversity value.

Amphibians: No observations of amphibians within the site. No waterbodies or drainage ditches were noted in the vicinity of the site which would provide suitable breeding habitat for amphibians.

Avifauna -During the site survey, several bird species which are common and found throughout Ireland were observed. These birds are typical of Irish farmlands and are found in both hedgerows and open fields typical of this habitat type. They include species such as the Grey crow *Corvus corone cornix*, Wood Pigeon *Columba palumbus*, Blackbird *Turdus merul*), Rook *Corvus frugilegus*, Magpie *Pica pica*, Blue tit *Parus caeruleus*, Chaffinch *Fringilla coelebs*, Wren *Troglodytes troglodytes*, Bullfinch *Pyrrhula pyrrhula* and Robin *Erithacus rubecula*.

Mammals - During the site visit in January 2023 there was evidence of Rabbits *Oryctolagus cuniculus*. It is likely that the site is frequented by Foxes *Vulpes vulpes*, Stoat *Mustela erminea*. Badgers *Meles meles* may visit the site as part of a larger territory but none were observed on site nor was there any evidence of them.

Both Field mice *Apodemus sylvaticus* and Brown rat *Rattus norvegicus* are probably also present. There are no suitable habitats within the proposed site to act as a habitat for bats as the willow dominated immature woodland is young and transitional. However bats may forage and feed along the perimeter hedgerows and treelines as part of a larger territory and it is intended to leave these intact.

Insects -Different species of Butterfly may fly over the site as part of their wider territory. In January 2023 due to the time of the year of the site survey, no butterflies were observed, but it is likely that several common species of butterfly Lepidoptera visit the site including Cabbage White and Tortoiseshell.

Invasive Species: No invasive species were recorded during the site surveys.

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Biodiversity. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 2 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 2: Summary of Potential Effects

Project Phase	Potential Effects
Do nothing	It is reasonable to conclude that if the proposed development does not proceed, the lands would remain as scrub/underutilised lands. The potential for impacts on biodiversity would not occur.
Construction	Loss of vegetation Loss of nesting, foraging and commuting habitat for birds, bats and terrestrial mammals. Disturbance to habitats and species
Operation	Lighting Impacts on fauna
Cumulative	No significant effects envisioned.

Mitigation Measures

A comprehensive and extensive range of mitigation measures are set out in Section 5.7 of the EIAR. Specific protection measures will be employed during construction for water quality, hedgerows and trees. Full details for the management of soil during excavations and siltation has been provided. Measures for the storage of hydrocarbons, leakages from machinery and spillages during refuelling have all been set out. Operational phase mitigation measures include the employment of a suite of SUDS measures to reduce risk of local flood events to local waterbodies and to reduce increase of SILT into waterbodies. Retention of trees along southern, western and eastern boundaries is also prioritised.

Residual Effects

Subject to adherence to appropriate mitigation measures, design standards and construction and operational management plans, it is considered that any residual effects from the proposed development are not significant in terms Biodiversity.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 5 and all the associated documents and submissions on file in respect of biodiversity. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts and provides suitably comprehensive range of mitigation and monitoring measures in Sections 5.7 and Section 5.8 to reduce any potential impacts.

No evidence of bat roosts were found on site, however commuting and foraging bats may visit the site. It is intended to leave the existing boundary hedgerow and potential foraging grounds in place therefore reducing any potential impact. The existing young willow habitat is to be removed in its entirety but it is not thought a foraging ground for any bat species. Having regard to the condition of existing trees and the proposed landscaping masterplan for the site, which includes significant replacement planting, I consider that biodiversity impacts associated with the loss of trees would be limited.

The site is not considered to be of significant importance for any breeding bird species. However, it is acknowledged that the proposed development would result in the loss of suitable habitat for the birds. To mitigate against this loss, vegetation

clearance would be undertaken outside of nesting season (March – August). Any vegetation clearance within nesting season a nesting bird check would be carried out by a suitably qualified ecologist.

I am satisfied that there would be no significant impact on wintering birds.

Other general mitigation measures including surface water and groundwater mitigation measures are detailed in this section. This will ensure no potential impacts to species which may be utilising the wider area or downstream of the proposed drainage connection. Further details on the impacts on water quality are set out in Section 9.12 below and in relation to Appropriate Assessment in Section 11, Appendix 2 and Appendix 3.

Conclusion: Direct and Indirect Effects

Having regard to the foregoing, I am satisfied that impacts predicted to arise regarding biodiversity and European Sites (See section 11 and Appendices 1 and 2) would be avoided, managed and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of biodiversity.

8.11. Cultural Heritage

Issues raised within the appeal in respect of cultural heritage are with regard to the potential impact the proposed development may have on protected structure at Kilineer House and Gardens relate to impacts on residential amenity associated with the loss of visual amenity, increase in noise and traffic and impacts on water, health impacts associated with air pollution and property devaluation.

Environmental Impact Assessment Report

Chapter 6 addresses the impact on archaeological, architectural and cultural heritage of the site. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

The assessment methodology was based on site inspection, cartographic and documentary research.

The following appendix is attached to chapter 13:

- Appendix 7 – Record of Monuments and Places
- Appendix 8 – Sites and Monuments Record

Baseline

There are no known archaeological, architectural or cultural features within the site.

The nearest protected structure is Kilineer House and Gardens (Gate Lodge) - RPS Lhs024-003B in Killineer townland. This structure is located c. 0.64km to the north of the application site and will not be directly or indirectly impacted by the proposal. The remaining Protected Structures in the study area are considered to be too far distant from the application site to be directly or indirectly impacted by the proposal.

The closest Recorded Monuments to the application site externally are LH024-004001-, LH024-004002-, and LH024-004003-, a church, graveyard, and font in Killineer townland. They are described in the RMP as:

LH024-004001- Killineer Church D-shaped graveyard to W of Killineer House. In centre is rectangular depression (max. dims. 14m by 4.5m), probably the church site. Church recorded as being ruinous in 1622, not rebuilt.

A small font or stoup (LH024-041089-), now at the main door of St. Peter's Church (LH024-041004-) in Drogheda is thought to have come from Killineer graveyard.

These monuments are located c. 0.75km north of the application site and are considered too far distant to be directly or indirectly impacted by the proposed development

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Cultural Heritage. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 3 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 3: Summary of Potential Effects

Project Phase	Potential Effects
Do nothing	Not examined for this factor in the EIAR. However, it is reasonable to conclude that if the proposed development does not proceed, the lands would continue to be used for agricultural purposes.
Construction	There is potential for impacts on unknown subsurface archaeological features.
Operation	No impacts during operational phase.
Cumulative	No significant effects envisioned.

Mitigation Measures

- 8.11.1. No specific measures are identified within the EIAR as no direct or indirect impacts on any known items of archaeology, cultural heritage or buildings of heritage interest in the application area or the vicinity during the construction or operational stages of the proposed development or as a result of an unplanned event have been identified by the assessment. Due to the possibility of the survival of previously unknown subsurface archaeological deposits or finds within the application site topsoil-stripping should be monitored by a qualified archaeologist. Any archaeological material identified during archaeological monitoring should be preserved in situ or by record under licence from the National Monuments Service

Residual Effects

The EIAR considered that any residual effects from the proposed development are not significant in terms Cultural Heritage.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 6 and all the associated documents and submissions on file in respect of cultural heritage and archaeology. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts that the proposed development could have on cultural heritage and archaeology.

There are no known archaeological or cultural heritage features within or within close proximity to the appeal site. Having regard to the information submitted I am satisfied that the proposed development would not have a significant effect on any known features of archaeological, architectural or cultural heritage.

8.11.2. The submission from the Department of Housing, Local Government and Heritage requested that Archaeological Impact Assessment be carried out as Further Information. An Archaeological Impact Assessment Report prepared by Archaeological Consultancy Services was submitted as in response to the request. The report sets out the additional assessments that were completed following the FI request, including test trenching, the scope of which was based on a comprehensive geophysical survey. Both the geophysical survey and test trenching were completed under the required licences obtained from the Department. The assessment involved the excavation of seven test trenches within the site, each measuring 1.8m in width with a total of 1,023m of linear trenches excavated. The test trenches were excavated to the natural subsoil, which varied considerably throughout the test area. No archaeological features or deposits were identified within the excavated trenches and no finds were recovered. No features of archaeological potential were noted in the course of test trenching. I also note the lands at this location have been subject to recent excavations (circa 2008). As the ground was recently disturbed and as a result of archaeological assessment, I am satisfied no further mitigation is required.

Conclusion: Direct and Indirect

I have considered all of the written submissions, and any specific points made in relation to Cultural Heritage as well as the submitted application documentation. I am satisfied that there would be no potential impacts associated with the development from the perspective of Cultural Heritage.. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of cultural heritage.

8.12. Land, Soils and Geology

Issues Raised

The third parties raised concerns in relation to the vulnerability of the underlying Wilkinstown groundwater body and the excavation of the overlying soils which

provide protection to this water body. The groundwater vulnerability across the site is low with an area to the immediate south/southeast of the site classified as having moderate vulnerability. This is assessed in terms of impacts on water quality in Section 10.13 but as the vulnerability is determined on depth and permeability of soils, the impact of the proposed development on the overlying soils which determines this vulnerability is assessed in this section.

Examination of the EIAR

Chapter 7 addresses the impact on Land, Soils and Geology and considers any direct or indirect effects on these resources arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

The following appendices are relevant also to Chapter 7:

- Appendix 9 Groundwater Well Construction Logs.

Baseline

Land: The site is not currently in use for any purpose and has become overgrown with various grasses and areas of more intense overgrowth comprising small trees and scrub to the south and east. The lands to the north comprise a partially constructed link road which links Chapel Lane to the R132 with the lands to the north of this forming part of IDA lands which are intended for future development. The lands to the south and east are currently used for both tillage and agricultural grazing. There are two residential dwellings located adjacent to the western boundary of the proposed development site. The site levels as outlined on the Existing Site Layout drawing vary from 47mAOD to 38mAOD with an average difference in level of 10m falling from north to south.

Soils: The Geological Survey of Ireland (GSI) and Teagasc have categorised the soil type at the site as AminPD soil deep (poorly drained mineral (mainly acidic)).

The site is relatively undisturbed with no history of development other than the IDA infrastructural works in adjacent areas. The soils classification are therefore, as per the original characterisation

Geology: The site is primarily black mudstone and quartzose greywacke from the Glaspistol Formation, with an area Pale micritised grainstone-wackestone from the Tullyallen Formation to the south of the site. The quaternary deposits at the site (GSI) are predominantly till derived from Palaeozoic sandstones and shales. In the area immediately south of the site, the quaternary deposits are classified as Irish Sea Till derived from Lower Palaeozoic sandstones and shales.

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Land, Soils and Geology. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 4 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 4: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	<p>If the proposed development does not proceed, the lands would remain undeveloped and would be likely to continue in the current overgrown state unless repurposed into an agricultural use.</p> <p>The soils at the site would remain in their current state of low permeability.</p> <p>The effects of the proposed development on Land, Soil and Geology considered in the EIAR would not arise</p>
Construction	<p>Potential contamination of soil and subsoil from accidental leaks or spills of hydrocarbons or cementitious materials.</p> <p>Excavation and loss of overlying soil and subsoil across the development footprint.</p>

Operation	<p>Potential contamination of soil and subsoil from accidental leaks or spills.</p> <p>Surface water discharge from the newly constructed infiltration blanket.</p> <p>Unplanned events such as accidents at the site or disasters outside of the operator's control such as collisions, traffic accidents or fires which could result in the release of contaminants to soil.</p>
Cumulative	Cumulative effects with other planned and permitted development, no significant effects envisioned.

Mitigation Measures

Mitigation measures to avoid, reduce or offset any potential adverse impacts on land, soils and geology are outlined in Section 7.6 of the EIAR. Many of the mitigation measures are embedded in the design and based on current best practice guidelines with some developed specifically for mitigating the effects anticipated from the proposed development. Notable measures during the construction and operational phases include:

Construction Phase

- Soils and subsoils will be reused on site as either suitable fill or landscaping thus avoiding the need for transporting off site.
- Appropriate handling of materials to avoid or minimise dust generation, proposals for dust suppression and planning work around favourable weather conditions.
- The use of appropriate sediment control measures as part of drainage proposals during construction.
- Appropriate storage and bunding of potentially contaminating substances and requirements in relation to concrete truck wash out.

Operational Phase

- Appropriate storage and bunding of fuels/chemicals used with adequate bund storage capacity.

- The provision of spill kits and hydrocarbon absorbent packs and training for staff that will use them.
- Shut-off valves on attenuation tanks to prevent the release of contaminated water or fire water during an unplanned event.

Residual Effects

Subject to adherence to appropriate mitigation measures, design standards and a construction and environmental management plan, the EIAR considered that any residual effects from the proposed development are not significant in terms of land, soils and geology.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 7 of the EIAR and all the associated documents, including the applicant's response to the further information request, and submissions on file in respect of Land, Soils and Geology. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the baseline environment, the potential impacts and provides a suitably comprehensive range of mitigation and monitoring measures in Sections 7.6 and 7.7 of the EIAR to reduce any potential effects on land, soils and geology.

As the proposed development will comprise the excavation of soil and subsoils which overlie the groundwater body, there is some overlap between this Land, Soils and Geology with Water. In the interest of clarity this assessment is focused on the impact on Land, Soils and Geology and the impact on Water is addressed below in Section 10.13.

Land: The proposed development will comprise the excavation and development of the site as well as proposals to reinstate areas and re-use all excavated soils and subsoils on site as suitable fill, for landscaping and for the construction of a perimeter berm. The loss of the land resource, albeit poorly draining soils and replacement with a productive industrial use will negate any effects associated with the loss of the current land use. Considering this and the various mitigation measures proposed to protect and maintain the area during construction and operation, I am satisfied that the proposed development would not result in significant effects on land use.

Soils and Subsoils: The proposed development will result in the removal of soils and subsoils permanently from their current location to facilitate the construction of the proposed buildings and associated infrastructure. The excavation of soils will occur above the bedrock aquifer with some interaction with shallow groundwaters which are discussed in Section 10.12.

The EIAR was informed by boreholes drilled at BH5 and BH6 which were terminated at 7m and did not encounter bedrock confirming that there would be no interaction with bedrock associated with the proposed activities. The EIAR states that excavation works will involve stripping of soil and minor excavation of subsoil to provide a suitably level surface for buildings, foundations and yard areas and to facilitate sub-surface drainage and attenuation. The applicant's response to the third party appeals also reiterates that the construction works will require a minor element of cut and fill although no specific details in relation excavation depths or volumes for soils and subsoils has been provided in either document.

Whilst there will be a requirement to excavate the overlying soils and noting the low infiltration rates and the presence of shallow groundwater, it is anticipated that seepage of this groundwater from soils will occur during excavation works in the construction phase. I am satisfied that the infiltration rates will be low and localised owing to the permeability of the soils. During the operational phase, areas which have been excavated or exposed for the construction of the building will have been replaced with a concrete floor slab which will provide protection to the underlying soils, subsoils and bedrock in the immediate surrounds of these most actively used areas of the site. The protection provided to underlying waterbodies is discussed further in Section 10.13.

Therefore, I am satisfied that the impact on soils and subsoils, subject to appropriate mitigation, would be not significant.

Geology: The site is not located in a geological heritage area with the nearest sites located south and southwest of the proposed development. Having regard to the proposed development, the excavation and development of the site, and noting the depth to bedrock as reported in the borehole logs provided in Appendix 9 and that there is no proposed interaction with the bedrock, I am satisfied that the proposed development would not result in significant effects on the geology of the area.

Conclusion: Direct and Indirect Effects

I have considered all of the written submissions, and any specific points made in relation to land, soils and geology as well as the submitted application documentation. I am satisfied that any potential impacts would be avoided, managed and mitigated by the measures which form part of the design of the proposed development, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of land and soil.

8.13. Water

Issues Raised

The third parties raised a number of concerns in relation to water. These are summarised as follows:

- Inadequate site investigation which did not confirm depth to bedrock, fails to highlight the presence of gravels which will increase groundwater vulnerability and a pathway for potential contaminants entering a drinking water resource and assumptions in relation to groundwater flow.
- No information in relation to third party groundwater well locations and potential for contamination of the bedrock aquifer via natural gravels located below the soils that will be removed during construction.
- No details on the chemical storage arrangements during operations and a lack of provision for the control of incidental spillages and no clarity in regard to the permeability of the proposed surfaces across the site.
- Potential for contamination of the groundwater from zinc, iron and ammonia and noting the poor status of the Wilkinstown groundwater body.
- No mitigation measures for works below measured groundwater levels or works in saturated ground and incorrect classification of groundwater vulnerability.
- No consideration of the impact on the Mell Stream considering the hydrological connections between waterbodies, the proposed development and the wastewater network upgrade works (not identified) and therefore cannot be assessed.

- Rosehall and Killineer Reservoirs not listed as sensitive receptors and no consideration of the likelihood of them being brought back into use.
- No analysis to demonstrate compliance with the Water Framework Directive.
- Quality control inconsistency in relation to groundwater samples taken as reported in the EIAR.

Examination of the EIAR

Chapter 8 addresses the impact on Water and considers any direct or indirect effects on this resource arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

The following appendices are attached to Chapter 8:

- Appendix 9 Groundwater Well Construction Logs.
- Appendix 10 Laboratory Certificates for Groundwater Monitoring

Baseline

Surface Water and Groundwater:

The nearest surface waterbody to which the site of the proposed development has connectivity is the Mell stream (or Tullyeskar_010 as referenced by the EPA) (IE_EA_07T270880) which is located c.340m northwest and west of the site at its nearest point. The Yellowbatter stream (also referenced by the EPA as Tullyeskar_010) (IE_EA_07T270880) is located closer at c.265m east of the site at its nearest point but it does not appear to be hydrologically connected to the site.

The bedrock aquifer underlying the site is classified as a (PI) Poor Aquifer - Bedrock which is Generally Unproductive except for Local Zones. The site is underlain by the Wilkinstown (IE_EA_G_010) groundwater body. The groundwater vulnerability across the site is Low.

Water Supply:

The site does not overlie a public water supply source protection area. However, the Ballymakenny Group Water Scheme (GWS) source protection area is located immediately east of the site. The Drybridge Public Water Supply (PWS) and watercourses/tributaries which are considered to form part of the source protection area is located to the west and north of the site and Killineer PWS is located further north of the site. There is also the Drybridge GWS preliminary source protection area zone of contribution located to the northwest of the site all of which are outlined in Figure 8-3 of the EIAR.

It is stated in the EIAR that a survey of third-party wells was not undertaken citing the fact that no residences are located downgradient of the development site and that no abstraction is proposed as part of the development and therefore no potential impacts on wells in terms of yield are anticipated. A search of groundwater wells and springs registered with the GSI identifies only one well within 500m of the site boundary which is located within the Drybridge PWS source protection area and is described as an Industrial Use. It is acknowledged that a number of domestic wells are located at properties adjacent to the site.

Wastewater: The proposed development will connect to an existing wastewater pipe located under the access road which links the R132 to the L6323 (Chapel Lane). It is noted that that the final connection between this existing wastewater pipe and the Uisce Eireann foul drainage system has not been completed. A discussion in relation to the assessment of such works relative to the proposed development is provided in Section 10.3, however, it is generally acknowledged that the proposed development will operate with the benefit of a complete connection to the Uisce Eireann network and the wastewater discharge from the site will be treated at a Uisce Eireann operated wastewater treatment plant.

There will be no process wastewater generated from site operations.

Flood Risk: The Office of Public Works (OPW) Catchment Flood Risk Assessment and Management (CFRAM) mapping has been completed for the Mell stream to the west of the site and Twenties stream to the northeast and shows that the site is not located within any fluvial or pluvial flood zones.

No flood events or recurring flood incidents were identified at the site or in its vicinity from the OPW's Flood Hazard Mapping. The nearest recorded historical flood event

to the site was at Cullen Road which is located c.980m south of the proposed development at its nearest point.

Water Framework Directive (WFD):

The Tullyeskar_010 risk status is under review, and it is categorised as having “moderate” status in the most recent 2019-2024 assessment.

The Wilkinstown (IE_EA_G_010) groundwater body is designated as poor status (2019-2024). It is also considered ‘At risk’ of meeting the objectives of the WFD to achieve overall “good” status by 2027. The groundwater vulnerability across the site is Low.

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Water. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 5 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 5: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	<p>If the proposed development does not proceed, the lands would remain undeveloped and would be likely to continue in the current overgrown state unless repurposed into an agricultural use. The soils at the site would remain in their current state of low permeability with occasional surface water ponding at ground level. The ground water levels and existing drainage of the site via perimeter drainage channels would remain unaltered. The effects of the proposed development on Water considered in the EIAR would not arise.</p>
Construction	<p>Sediment run off into drains discharging to the Mell stream (IE_EA_07T270880). Potential pollution of groundwaters from accidental leaks or spills from fuels, oil, lubricants and cement-based products.</p>
Operation	<p>Impact on groundwater quality from the storm water discharge to ground.</p>

	<p>Potential pollution of groundwaters from accidental leaks or spills from fuels and chemicals used in the galvanising process.</p> <p>Unplanned events such as accidents at the site or disasters outside of the operator's control such as collisions, traffic accidents or fires which could result in the release of contaminants to waters.</p>
Cumulative	Cumulative effects with other planned and permitted development, no significant effects envisioned.

Mitigation Measures

Mitigation measures to avoid, reduce or offset any potential adverse impacts on land, soils and geology are outlined in Section 8.6 of the EIAR. Many of the mitigation measures are embedded in the design and based on current best practice guidelines with some developed specifically for mitigating the effects anticipated from the proposed development. Notable measures during the construction and operational phases include:

Construction Phase

- The appropriate coordination and management of excavations to ensure exposed areas are limited in terms of scale and duration.
- The installation of appropriate drainage measures to ensure uncontrolled run-off is prevented with all stormwaters generated during construction works directed through settlement ponds prior to discharge to the existing drainage network.
- The provision of perimeter silt fencing at temporary stockpiles of topsoil and any other materials and the appropriate buffering of stockpiles from watercourses.
- The appropriate storage and bunding of potentially harmful substances including fuels and other hazardous substances including the provision of a minimum 30m buffer from watercourses.
- Regular maintenance and inspection of banded areas for sufficient capacity and integrity.
- An adequate supply of spill kits and absorbent packs for the containment of minor spillages.
- Concrete control measures including a policy of truck chute washing only on site and measures for the immediate clean-up of concrete spillages.

Operational Phase

- The installation of a surface water drainage attenuation system equipped with a hydrobrake which will ensure greenfield run-off rates are maintained.
- Appropriate infrastructure for the containment of excess surface waters during intense rainfall events or for the containment of used firewater during an unplanned event.
- Surface water drainage infiltration proposals for the carpark area in the north of the site to ensure surface waters are managed within the area they are generated, and aquifer recharge is not impacted.
- The provision of a hydrocarbon interceptors capable also of silt entrapment in the stormwater system for the impermeable hardstand areas including outlet shut-off valves to contain accidental spillages.
- Maintenance and inspection programme for all hydrocarbon interceptors, silt traps and gullies.
- The appropriate storage and bunding of potentially harmful substances associated with the galvanising process within the main building.
- The provision of bunding for fuels and other substances with sufficient capacity and allowance for rainfall ingress where bunds are external and uncovered.
- Regular maintenance and inspection of banded areas for sufficient capacity and integrity.
- The storage of hazardous waste liquids in a sealed container.
- An adequate supply of spill kits and absorbent packs for the containment of minor spillages.
- Regular inspections of the integrity of the hardstand area and floor area within the main building. Carrying out of repair and maintenance as required.

Residual Effects

Subject to adherence to appropriate mitigation measures, design standards and a construction and environmental management plan, the EIAR considered that any residual effects from the proposed development are not significant in terms of water.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 8 of the EIAR and all the associated documents, including the submissions on file and the applicant's response in respect of Water. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the baseline environment, the potential impacts and provides a suitably comprehensive range of mitigation and monitoring measures in Sections 8.6 and 8.7 of the EIAR to reduce any potential effects on water. I am also satisfied that the effectiveness of the mitigation measures will be informed by the monitoring data collected from the discharges by condition of an IED Licence from the EPA for the operation of the facility.

Groundwater: The third parties raised concerns in regard to possible contamination of groundwater during the construction and operation of the proposed development. The potential for contamination of groundwater is primarily related to the use of fuels, oils and other chemicals used during all phases. During construction, it is acknowledged that the removal of soils and subsoils which provide an element of protection to the underlying groundwater body creates a temporary exposure which ultimately increases the probability of risk to groundwater body, but this is true of any activity which occurs above a waterbody protected by its overlying soils. The appropriate mitigation in relation to excavation works and the maintenance of plant and equipment has been set out to ensure the risk associated with this is addressed during construction. The removal and loss of these soils whilst permanent will be replaced by the proposed infrastructure which in the majority of areas will be impermeable and thus restoring the protection provided by the soils. For the operational phase, surface treatment measures are proposed which will include silt traps and oil interceptors prior to discharge and infiltration to ground. The proposed use of permeable finishes such as gravel or paving is limited to areas where the activity is a much lower risk of accidental spillages i.e. parking areas.

Therefore, I am satisfied that the impact on groundwater, subject to appropriate mitigation, would be not significant.

Surface Water: The risk of potential contamination of surface waters during the construction works is associated mainly with the earthworks and any works which will be carried out adjacent to existing waterbodies or drainage channels. The EIAR has set out proposals which includes the stringent timing of works and planning

around weather events, measures for the treatment of silt laden water and drainage proposals such as silt fencing and programmes of inspections to ensure the adequacy of the mitigation is monitored throughout the works.

All surface water discharges generated during the operational phase will be stormwater from the impermeable areas. The necessary control measures to ensure this discharge is free of silt and contaminants has been provided by way of design along with the provision of the hydrocarbon interceptors.

Therefore, I am satisfied that the impact on surface waters, subject to appropriate mitigation, would be not significant.

Water Framework Directive: The third parties raised concerns that there was no consideration of the Water Framework Directive and that no analysis has been provided to demonstrate compliance with Article 4 of the Water Framework Directive.

It is noted that the third parties raised a number of concerns regarding potential groundwater contamination and the requirements of the Water Framework Directive which I have addressed here as follows:

I have assessed the proposed development and considered the objectives as set out in Article 4 of the Water Framework Directive to protect and, where necessary, restore surface and ground waterbodies in order to reach good status (meaning both good chemical and good ecological), and to prevent deterioration. Having considered the nature, scale and location of the project I consider that it is reasonable to conclude on the basis of objective information that the proposed development will not result in a risk of deterioration of any waterbody (rivers, lakes, groundwaters, transitional and coastal) either on a temporary or permanent basis.

I have completed a Stage 1 Screening for Water Framework Directive (WFD) Assessment (Appendix 1) the findings of which are summarised in the sections that follow.

Surface Water

The proposed development will discharge wastewater to the existing network under the control of Uisce Eireann. Surface water discharge proposals include infiltration through a Stormtech attenuation unit for stormwater generated in the north of the site. This discharge will pass through a silt trap and an oil interceptor prior to

discharge into the modules and then to ground. Stormwater generated in the south of the site will discharge to a perimeter drainage channel located in the southeast corner. This will also pass through a silt trap, an oil interceptor and attenuation prior to discharge.

The soils at the north of the site were found to have greater infiltration properties than those in the south. Existing channels are only present in the south of the site and it is noted that the drainage channel for which a discharge is proposed is hydrologically connected to the Mell stream, c.530m southwest of the site at its nearest point which ultimately discharges to the Boyne River. There is no hydrological connectivity to the Yellowbatter River which is located c.250 east of the site which also discharges to the Boyne River but at a location downstream of Drogheda town centre.

Groundwater Quality

The proposed development will comprise excavation works which will require the removal of the topsoil and a subsoil layer which overlies the groundwater body to accommodate the construction of the proposed development. Groundwater levels have been detected as part of the monitoring of groundwater wells at depths of 1.16m below ground level however, it has been concluded by the applicant that this is not the true groundwater level and is more likely to be perched or confined groundwater which is attributed to the low permeability soils above the underlying gravels. During the works, such groundwater will be released by the excavation works and will be managed using standard construction methodologies such as dewatering of excavations by pumping and settlement of any silt laden water prior to discharge. There is an expected level of infiltration of such waters where they are encountered and where the soils comprise the appropriate permeability although noting the low permeability characteristics of soils in general for the area, it is reasonable to expect that such groundwater will be managed by pumping and settlement as part of construction rather than through infiltration. I am satisfied that appropriate mitigation has been set out for these works which include fuel management, control of cementitious material, careful planning and timing of such excavations and the limiting of the time for which excavations remain open. I note a lack of clarity in relation to concrete washings within the EIAR where the procedure

for concrete washout may be determined by contractor insistence. I am satisfied that this can be appropriately addressed by condition.

Groundwater Quantity

There is no proposal for groundwater abstraction with all water supply coming from the existing Uisce Eireann water main or through rainwater harvesting proposals. The volume of stormwater infiltration has been considered from the perspective recharge within the EIAR which concluded that recharge rates are below the recharge cap set by the GSI for a poorly productive aquifer. I note some inconsistency in the site areas used for the annual recharge and the recharge cap calculations. When applying the higher and assumed correct area, the annual recharge is still well below the calculated recharge cap for the area.

Water Framework Directive Conclusion

In conclusion, I am satisfied that the proposed development would not result in a risk of deterioration on any water body, rivers, lakes, groundwaters, transitional and coastal, either on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

Conclusion: Direct and Indirect Effects

I have considered all of the written submissions made in relation to water as well as the submitted application documentation. I am satisfied that any potential impacts would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures, monitoring and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of water.

8.14. Traffic & Transportation

Issues Raised

The proposal will result in a traffic hazard as the actual travelling speeds along the R132 is faster than the 100kph posted speed limit. The existing junction between the IDA estate road and the R132 is unfinished and this increases the hazardous nature

of the local junction. It is further stated that the levels of traffic generated by the development is unsustainable on the existing road network.

Environmental Impact Assessment Report

Chapter 9 of the EIAR comprises a Traffic & Transportation Assessment for the site. The chapter outlines the legislative and policy context, the receiving environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

Baseline

The development will be accessed from the part-built (currently closed) access road linking Chapel Lane (L6323) to the R132, which will be completed as part of the IDA's plans for the wider lands at this location

The recently constructed access Road linking Chapel Lane (L6323) to the R132 is a two-way single carriageway road approximately 7.0m wide. Footpaths run along both sides of the road. The access road joins the R132 Regional Road at a part-built (currently closed on the access road arm) T-junction, east of the proposed site, which will also provide access to the future development on the wider IDA lands at this location.

Chapel Lane (L6323) comprises generally a narrow, informal single lane track. A section of the road to the west of the site has been subject to widening and provision of a footpaths along the northern side of the road.

The R132 Regional Road is a two-way single carriageway road running in a north-south direction. The proposed development shall access the R132 via the access road linking Chapel Lane to the R132. The road is approximately 98.9km in length and provides connection to various towns including, Swords, Drogheda, and Dundalk.

The width of the R132 varies along its length but is approximately 7.3m wide in the vicinity of the site access with hard shoulders on both sides and a posted speed limit of 100kph.

A traffic count was undertaken on the 27th of October 2022 during a 12-hour period (07:00-19:00) at 3 no junctions;

- 1) Junction 1: R132/N51 Roundabout Junction (referred to as the 'R132 Roundabout' in the EIAR) – 08: 00 to 09:00 (AM Peak) and 16:45 to 17:45 (PM Peak)
- 2) Junction 2: R132/Northbound M1 Link Road T-Junction (referred to as the 'M1 Link Road Junction' in the EIAR) – 07:45 to 08:45 (AM Peak) and 16:30 to 17:30 (PM Peak)
- 3) Junction 3 is the proposed access to accommodate the site, which is currently not operational and as a result, it was not possible to obtain traffic counts at that location. However, the AADT for each arm of this future junction has been calculated using TRICS data and the traffic counts recorded at the upstream junction.

The survey indicates that all junctions operate within capacity with no queues and minimal delays during the AM and PM peak hour.

The detailed results of the traffic survey are summarised in Appendix 11 of the EIAR.

Potential Effects

The EIAR identifies the potential for a range of environmental effects from traffic. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 6 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 6: Summary of Potential Effects

Project Phase	Potential Effects
Do nothing	Not examined for this factor in the EIAR. However, it is reasonable to conclude that if the proposed development

	does not proceed, the lands would continue to be retained as agricultural scrub lands.
Construction	70 total daily HGVs trips (arrivals & departures) to the site on a daily basis. Construction period approx. 24 months. 18 vehicular staff trips per day
Operation	<p>Inbound</p> <ul style="list-style-type: none"> • 8no HGV's daily • Staff – 110 arrivals daily • Misc – 10 arrivals daily <p>Outbound Materials</p> <ul style="list-style-type: none"> • 8 HGV daily • Staff – 110 departures • Misc – 10 departures <p>The facility will operate for 266 days per year (240 production days per year)</p> <ul style="list-style-type: none"> ▪ Material will be is transported to the site in 20 tonne loads. ▪ The facility opening times will be 06:30 to 20:00 on Monday to Friday and 08:00 to 13:00 on Saturday, giving 6 days per week. Office hours will be the same as normal operating hours with reduced numbers of staff present on Saturdays. <p>Approximately 20 trips are expected to occur weekly to cater for possible miscellaneous trips associated with the site, 10 trips inbound and 10 trips outbound. These miscellaneous trips allow for maintenance, delivery of consumables, other visitors, etc. For the purpose of this assessment, it was assumed that these trips would</p>

	coincide with the AM and PM Peaks, which is a conservative assumption
Cumulative	<p>The baseline traffic counts capture the existing traffic levels including that associated with other industry in the area and thereby the baseline assessment and capacity assessment is inclusive of other existing activity in the area. The proposed Drogheda Port Access Northern Cross Route (PANCR) is a future scheme being developed by Louth County Council that would provide a direct link from the M1 Motorway to Drogheda Port, thus removing heavy port related traffic from the town centre. Phase 1 of the PANCR is now complete. It would also release strategically located employment and residential lands in the northern part of the town. The provision of this link road is a fundamental part of the long term growth strategy for Drogheda Town.</p> <p>The proposed scheme does not directly impact the road network surrounding the proposed galvanising plant, however, it is considered that if implemented, it would benefit the traffic conditions on the R181 Regional Road adjoining the site access, offering an alternative route between the M1 and Drogheda Town.</p> <p>The EIAR did not identify any other notable applications, plans or projects that require cumulative consideration. No significant effects envisioned.</p>

Mitigation Measures

Impacts have been determined to be Imperceptible, therefore, no mitigation measures are required during the construction phase or operational phase. However, the Contractor will prepare a Construction Environmental Management Plan (CEMP), which shall coordinate and manage all Construction activities in close liaison with the Local Authority, Local Stakeholders, and members of the Public.

Residual Effects

Traffic Growth – The traffic assessment indicates that the R132 will operate within capacity for 2024 (assumed year of opening). However, in 2029, the R132, in the vicinity of the proposed Galvanising Facility, will have an AADT of 11,881 (excluding the current development traffic), which is above the maximum AADT (i.e. 11,600) for a 'Type 1 Single Carriageway' road at Level of Service D. Thus, the R132 at its junction with the site access will be above capacity for 2029 and for the following years. However, this would be the case with, or without, the proposed development. The increased traffic generated by the Facility, given the conservative approach adopted, accounts for between 1.95% and 2.28% of the traffic on the R132 between 2024 and 2039. As a result, despite the AADT on the R132 exceeding the capacity of a 'Type 1 Single Carriageway' road at Level of Service D, the future traffic generated by the operation of the site will have a negligible impact on traffic flows on the R132.

Junction Capacity Assessment -

Junction capacity assessment was carried out to determine the operation performance of the 3 no. junctions where the traffic counts were carried out. The analysis showed the following;

- The existing Junction 1: R132/N51 Roundabout Junction (referred to as the 'R132 Roundabout' in the EIAR) will operate within capacity with no queues and minimal delays when the galvanising plant is operational in 2024 (as per date of assessment) year of opening, 2030, five years after completion and in 2040, fifteen years after completion.
- Junction 2: R132/Northbound M1 Link Road T-Junction (referred to as the 'M1 Link Road Junction' in the EIAR) will operate within capacity with minimal

queues and delays when the galvanising plant is operational in 2024 (as per date of assessment) year of opening, 2030, five years after completion and in 2040, fifteen years after completion.

- Junction 3 is the proposed access to accommodate the site with the R132. The results indicate that the junction will operate within capacity for each of the assessment years 2024, 2029 and 2039.

The EIAR considered that any residual effects from the construction and normal operational phases of the proposed development are not significant in terms of traffic.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 9 of the EIAR and all the associated documents, including the submissions on file and the applicant's response in respect of traffic and transportation. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the baseline environment, the potential impacts and provides a suitably comprehensive range of mitigation and monitoring measures in Sections 9.6 and 9.7 of the EIAR to reduce any potential effects on traffic.

Third parties raised concerns that the local road infrastructure is not capable of accommodating the significant increase in traffic within the vicinity of the site. It is stated that the condition attached by the local authority regarding sightlines (where existing IDA access road meets the R132) indicates that the site is not ready for development. It further stated that there is no public transport to serve the site and the mobility management measures are purely aspirational. There is no concrete measures to reduce car dependency at this location.

Regarding sightlines from the existing IDA access road and its junction with R132 I note condition 19 of the planning authority the following to be submitted prior to commencement of development:

a) Prior to commencement of development the applicant shall submit a "Site Layout Map" for the written agreement of the Planning Authority clearly displaying minimum visibility sightline requirement of 4.5m x 215 m over a height of 1.05m– 0.6m above road level in both directions at the proposed

entrance to the IDA site on the public road R132 in accordance with Table 13.13 of Louth County Development Plan 2021-2027.

As per the appeal the applicant has supplied a drawing P22181-PMCE-zz-XX-DG-CR-001 & 002 both of which show sightlines in accordance with TII specifications and Louth County Development Plan specifications. With respect to regrading works the applicant has correctly pointed out that such works are a matter for the IDA as they are outside the red line boundary of the site and the works are to occur on Louth County Council property. In this regard the applicant seeks a condition to carry out these regrading works as they cannot be sure if these works were carried out when the original access road was built. In my view the addition of this condition is not necessary. The applicant has provided the requested sightline drawing. The regrading works are a matter for the IDA and the local authority to ensure safe access to all lands at this location. I did not note any impediment to sightlines on the day of site inspection.

A workplace travel plan has been submitted with the application. (This has been assessed under Section 8.6 above in the planning assessment of the Inspectors report.)

Regarding the capacity analysis carried out by the applicant, I do not consider the development of the site either during construction phase or operational phase will have a perceptible effect on traffic volumes at this location. The traffic count as carried out has been done to the specifications of the Traffic and Transport Assessment Guidelines 2014. Account has been taken for an increase of traffic within the modelling and an acknowledgement of future junction capacity issues has been taken account of. In general the total daily traffic trips to the site will be 256 trips for all vehicle types. This is an absolute conservative estimate and is assuming all staff are using private car to access work. The modelling still indicates that this level of car usage during am and pm peak periods will be negligible.

I am satisfied that the information provided is evidence based and robust and that traffic generated by the proposed development during the construction and operational phase of the development would not have a significant effect on the capacity of surrounding road network.

8.15. Noise and Vibration

Issues Raised

The third parties raised concerns in relation to the noise level proposed for the operational phase of the development in that it does not take account of traffic in and out of the site. The noise associated with loading and unloading steel on site as well as the high volume of staff travelling to the site has also not been adequately assessed.

Examination of the EIAR

Chapter 10 addresses the impact from Noise and considers any direct or indirect effects arising from the proposed development. The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

The following appendices are attached to Chapter 10:

- Appendix 13 Baseline Noise Survey
- Appendix 14 Building Material Specifications

Chapter 10 makes various references to an Appendix 10.14 which was not included within the EIAR. This has been assumed a typo and the information that the EIAR refers to being in Appendix 10.14 is in fact in Appendix 14.

Baseline

An examination of the receiving environment has identified 15 no. noise sensitive receptors at distances up to 500m from the site boundary in various directions.

The nearest receptors to the proposed development are NSR01 and NSR02 which are the two residential dwellings located immediately adjacent to the western boundary of the site.

The area has not been identified as a Quiet Area using the screening process set out in the EPA's noise guidance document (NG4). The criteria in which the area falls is in proximity to busy road networks and a large urban area.

A baseline noise survey was undertaken as part of the noise assessment prepared for the EIAR. This was undertaken at 2 no. Noise Monitoring Locations (NMLs). The selected locations for each NML were chosen to represent the nearest noise sensitive receptors (NSR01 and NSR02) and a residential dwelling which is described in the EIAR as the next nearest noise sensitive receptor west of the site (NSR03).

The baseline noise survey which took place at both locations was the subject of continuous and assumed unattended monitoring over a seven-day period.

The baseline monitoring campaign found that the ambient noise levels were elevated and attributed this to the heavy volumes of road traffic on the local road network.

Potential Effects

The EIAR identifies the potential for a range of environmental effects from Noise. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 7 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 7: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	If the proposed development does not proceed, the lands would remain undeveloped and would be likely to continue in the current overgrown state unless repurposed into an agricultural use. The background noise levels would continue to be influenced by fauna, agricultural activity and transport, particularly the nearby M1, N51 and R132 roads.
Construction	Noise impacts generated from: Plant and equipment used for site preparation including excavation and development works. Construction traffic on the public road network.

Operation	Noise impacts generated from: Normal manufacturing and site operations. Delivery and collection of materials at the site and associated traffic on the public road network.
Cumulative	The baseline monitoring campaign captures the existing noise levels including that associated with other noise sources in the area and thereby the baseline assessment and modelling is inclusive of all existing activity in the area. Cumulative effects with other planned and permitted development, no significant effects envisioned.

Mitigation Measures

Mitigation measures to avoid, reduce or offset any potential adverse impacts from noise are outlined in Section 10.6 of the EIAR. Many of the mitigation measures are embedded in the design and based on current best practice guidelines with some developed specifically for mitigating the effects anticipated from the proposed development. Notable measures during the construction and operational phases include:

- The construction of a 3m high soil berm along the western boundary of the site which will include a 1m impermeable fence erected on the top of the berm.
- Coordination and planning of plant movements and restricting them to within normal working hours.
- Appropriate selection of audible warning systems which do not generate noise impacts beyond the site boundary.
- Appropriate setup and regular maintenance of any plant and equipment which generates noise and vibration.
- Training of employees on appropriate techniques to minimise site noise which include the provision of site toolbox talks and induction on good practices.

Residual Effects

Subject to adherence to appropriate mitigation measures, and appropriate design standards and construction and operational management plans, the EIAR considered that any residual effects from the construction and normal operational phases of the proposed development are not significant in terms of noise.

The EIAR sets out the predicted noise levels after the installation of the acoustic barrier along the western boundary for both the construction and operational phases. This provides a reduction in noise levels and as expected, is limited to the three properties to the west of the site. The predicted noise level at all noise sensitive receptors is below the thresholds proposed for both construction and operational phases as set out in Section 10.4 of the EIAR. The EIAR has also considered the impact of noise associated with traffic from the proposed development in the construction and operational phases. The baseline noise survey concluded that the elevated ambient noise levels can be attributed to the heavy volumes of road traffic on the local road network. The EIAR has outlined a very low increase in the baseline for both phases and considers the contribution to traffic related noise emissions as negligible.

I have noted a slight discrepancy in the information provided in Tables 10-7 and 10-13 where a slightly higher residual noise level has been predicted in the latter table. Irrespective of this, I have based my conclusion on the higher prediction in Table 10-13 which is still below the noise thresholds considered for construction

Therefore, any residual effects from the construction and operational phases of the proposed development are not significant in terms of noise.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated Chapter 10 of the EIAR and all of the associated documentation, including the applicant's response to the grounds of appeal, and submissions on file in respect of noise. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the baseline environment, the potential risks, impacts and provides a suitably comprehensive range of mitigation and monitoring measures in Sections 10.6 and 10.7 to reduce any potential impacts on surrounding sensitive noise receptors.

Predictive noise modelling has been undertaken to assess the effects of noise associated with the construction phase. This has been informed by a baseline noise survey undertaken at the site. The predicted noise levels associated with the various plant and equipment modelled have been applied to the existing ambient noise levels. The predicted noise levels have shown the works to be in compliance with both BS5228 ABC method for assessing construction and the NRA guidelines (National Roads Authority now known as Transport Infrastructure Ireland) for construction noise in all but two of the 15 no. sensitive noise receptors modelled. The remaining two dwellings, which are the dwellings located closest to the proposed development require the mitigation provided by the soil berm and impermeable barrier proposed along the western boundary of the site to achieve compliance with the above thresholds. I am satisfied that the mitigation proposed to offset the impact during construction is adequate and would stress the importance of installing the berm and impermeable fence at the outset of the works, where practicable. I acknowledge that there are noise impacts associated with the construction of the berm, but I would expect the duration of these works would be over a very short period. I have noted the commitment to carrying out noise monitoring during construction both before and after the installation of the berm and impermeable fence. I also note that impacts associated with this element of the works will be short term and I agree with the EIAR where the above thresholds for the construction phase are not exceeded, the effects will be not significant.

Modelling has also been undertaken to assess the effects of noise associated with the operational phase. The EIAR has provided predicted noise levels at the 15 no. noise sensitive receptors all of which are below the 55dB noise threshold proposed prior to the installation of the acoustic barrier although, as discussed above, the acoustic barrier should be installed prior to or in the early stages of construction and therefore there should be no scenario in the operational phase that the acoustic barrier is not in place. The predicted noise levels with the acoustic barrier again show a notable reduction at the nearest noise sensitive receptors to the west of the site. I am satisfied that this is an appropriate threshold considering the steps taken in accordance with NG4 (Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities) in the EIAR. I am satisfied that where the proposed threshold above for the operational phase is complied with, the

effects will be not significant. I am also satisfied that any traffic related noise emissions associated with the proposed development during either phase will be imperceptible owing to the very low percentage increase predicted from the existing volumes.

Conclusion: Direct and Indirect Effects

I have considered all of the written submissions, and any specific points made in relation to noise and vibration as well as the submitted application documentation. Having regard to the predicted compliance with noise thresholds for both construction and operational phases, I am satisfied that any potential impacts would be suitably avoided, managed and mitigated by the measures which form part of the design of the proposed development and the proposed mitigation measures.

I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of noise.

8.16. Air and Climate

Issues Raised

- The EIAR fails to provide quantitative details of likely emissions and the air emissions risk.
- No details of mitigation against the release of vapours and dust to air. Details of the scrubber and/or filters and their reliability, maintenance and monitoring have not been provided.
- Emissions from the chimney stacks comprising dust and acid fumes and their impact on residential amenity.
- Requirement to decrease embodied carbon in construction materials by 10% in 2025 and 30% in 2030 not demonstrated.
- Inadequate means of complying with targets to reduce fossil fuel demand.
- Inadequate number of charging stations for electric vehicles as required by the Louth County Development Plan.

Examination of the EIAR

Chapter 11 addresses the impacts on Air and Climate and considers any direct or indirect effects arising from the proposed development. The chapter outlines the

legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The following Appendices are attached to Chapter 11:

Appendix 15 Contour Plots for Air Pollutants.

The Planning Authority raised concerns over the proposed developments compliance with the development plan policy which encourages the use of solar energy infrastructure for onsite energy usage including solar PV, solar thermal and seasonal storage. Concerns were also raised in relation to the carbon footprint and how the new buildings and processes/activities will seek to achieve the target set out in the Climate Action Plan 2019 or any amendments to the targets.

In response, the applicant confirmed a proposal for the installation of solar PV modules and provided solar layout drawings and a technical specification for the proposed system. The response also included an assessment of glint and glare for the proposed development. In relation to the carbon footprint, the applicant provided a carbon footprint calculation and report on requirements in relation to the development plan policy which included a calculation of the expected total Greenhouse Gas (GHG) emissions from the proposed development.

The planning authority considered that these items of further information were adequately addressed by the applicant.

Baseline

A total of 15 no. sensitive receptors were identified within a 500m buffer from the site boundary. These sensitive receptors are all residential dwellings. The nearest sensitive receptors to the proposed development are the two residential dwellings located at the western boundary of the site which are referred to as R1 and R2 in Table 11-2 of the EIAR. Table 11-2 also lists the designated sites in the vicinity of the subject site.

The site is located within Zone D as defined by the Air Quality Standards Regulations 2011 (as amended). An average PM₁₀ background concentration of 15.9µg/m³ was established for the area from data collected at the proposed development site.

Meteorological data from the nearest operational Met Eireann weather station at Dublin Airport identified the predominant wind direction as westerly, south westerly and southerly with moderate wind speeds averaging 4 to 5 m/s. The data presented also showed infrequent periods of light wind and stable atmospheric conditions.

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Air and Climate. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 8 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 8: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	<p>If the proposed development does not proceed, the lands would remain undeveloped and would be likely to continue in the current overgrown state unless repurposed into an agricultural use.</p> <p>The air quality will remain the same and/or slightly improve in years to come with improvements in technology.</p> <p>A consideration of the do-nothing scenario in regard to climate was not examined in the EIAR. However, it is reasonable to conclude that if the proposed development does not proceed, climate or the impacts associated with climate change will continue to evolve in line with national trends.</p>
Construction	<p>Generation of dust during construction activities and dust soiling effects on sensitive receptors.</p> <p>Effects on the ambient air quality as a result of construction activities.</p> <p>Greenhouse gas emissions associated with transport, materials, plant and equipment used during construction.</p>

Operation	<p>Effects on the ambient air quality at sensitive receptors arising from emissions from the point sources at the proposed development.</p> <p>Unplanned events such as accidents at the site or disasters outside of the operator's control such as accidents or fires which could lead to a risk to air quality.</p> <p>Greenhouse gas emissions associated with the operation of the proposed development.</p> <p>Potential current and future climate risks.</p>
Cumulative	Cumulative effects with other planned and permitted development, no significant effects envisioned.

Mitigation Measures

Mitigation measures to avoid, reduce or offset any potential adverse impacts on air and climate are outlined in Section 11.6 of the EIAR. Many of the mitigation measures are embedded in the design and based on current best practice guidelines with some developed specifically for mitigating the effects anticipated from the proposed development. Notable measures during the construction and operational phases include:

Construction Phase

- The provision of a traffic management plan and dust management plan for the site which will be incorporated into a Construction and Environmental Management Plan (CEMP) to minimise emissions as a result of construction.
- Dust management procedures which will include the implementation of speed restrictions on unpaved surfaces, dust suppression with water during periods of dry weather, and good housekeeping to ensure roads and paved areas are kept clear of mud, aggregates and debris and daily inspections of public road in the immediate area for cleanliness.
- Covering of vehicles delivery or collecting material which has the potential to generate dust and restricting construction traffic to normal working hours.

- Good site management which includes the siting of activities and storage of materials which take account of prevailing winds and the potential to generate nuisance.
- The use of steel frame construction for the proposed development which will comprise 20% recycled steel.

Operational Phase

- Site vehicles to be regularly serviced and maintained to minimise air emissions.
- Provision of an air filtration and acid vapour scrubber systems.
- Regular servicing and maintenance of plant and equipment including monitoring of the performance of air pollution control plant.

Residual Effects

Subject to adherence to appropriate mitigation measures, design standards and operational management plans, the EIAR considered that any residual effects from the proposed development are not significant in terms of air and climate.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 11 of the EIAR and all the associated documents, including the applicant's response to the further information request, and submissions on file in respect to Air and Climate. I am satisfied that the information submitted in the EIAR, and all the associated documents adequately demonstrates an understanding of the baseline environment, the potential impacts and provides a suitably comprehensive range of mitigation and monitoring measures in Sections 11.6 and 11.9 respectively of the EIAR to reduce any potential effects on air quality and climate. I also note that the EIAR states that all the monitoring of the performance of air pollution control plant will be in accordance with an IED licence.

During the construction phase, the earthworks element of the works along with the installation and use of unpaved areas by plant and vehicles has been noted for its potential to generate dust during the works. I have examined the assessment of dust impacts in the EIAR which consider separation distances between receptors and the sources of dust in accordance with the NRA guidance for determining potential

significant effects. Whilst the potential exists for nuisance associated with dust generated, I am satisfied that the appropriate mitigation has been proposed for the control and suppression of dust to ensure any effects as a result of generation which will be short term, is not significant.

For the operational phase, considering the final design comprises large areas of paved or impermeable surfaces along with the containment of the primary activity indoors, I am also satisfied that the activities during the operational phase are unlikely to generate a significant level of nuisance / visible dust.

The third parties raised concerns that the emissions from the proposed development would result in a reduction in air quality. I have examined the information provided in the EIA which sets out the baseline data collected or interpreted for the area, the predictive modelling undertaken using the AERMOD Prime Dispersion Modelling and the interpretation of the data against appropriate thresholds. The modelling outputs for the listed pollutants for construction traffic were compared against Institute of Air Quality Management (IAQM) guidance on magnitude of change between the predicted levels and the baseline levels. I note that the EIA suggested an imperceptible effect however, with the higher magnitude of change associated with oxides of nitrogen, it is more likely to result in slight effects. I am satisfied these effects are short-term. Operational traffic emissions modelled for listed pollutants when compared against thresholds set out in the Ambient Air Quality and Cleaner Air for Europe (CAFE) Directive and the Air Quality Standards Regulations 2011 were found to have an imperceptible magnitude of change.

The emissions from the operational phase processing were also modelled for the listed pollutants which was presented for each sensitive receptor. The maximum predicted value at sensitive receptors was combined with the baseline and traffic contribution to give an overall worst-case prediction for each pollutant modelled for the location. When compared to the thresholds set out in the Ambient Air Quality and Cleaner Air for Europe (CAFE) Directive and the Air Quality Standards Regulations 2011, the values showed all predicted pollutants to be well below the threshold for the protection of human health. I also noted that the maximum predicted value at sensitive receptors when compared against the appropriate threshold were all considered to have a small magnitude of change, the effects of which is not significant. I am also satisfied that the appropriate mitigation has been proposed in

relation to emissions to air. The provision of the bag filter system from the stack off the zinc kettle and an acid vapour scrubber and white fumes bag filter in the pre-treatment area along with clarifications on their maintenance and replacement have been set out and should be formalised in an Operational Management Plan which shall be required by way of condition. I am satisfied that as the modelling of the operational phase processing has shown the thresholds for the protection of human health have not been exceeded, the impact on residential amenity from any effects as result of emissions will be, not significant.

The modelling also provided a comparison between predicted oxides of nitrogen (NO_x) and ammonia levels against ceiling levels based on the EPA reported totals for 2020. This found the predicted NO_x levels represented 0.0077% and ammonia 0.0095% of the levels reported by the EPA. I also noted from the EIAR, the baseline meteorological data provided showed infrequent periods of light wind and stable atmospheric conditions which are not suitable for the dispersion of emissions from the proposed development. Such conditions are only known to have occurred in 6.3% of hours in the years analysed.

For the assessment of climate impacts, the carbon footprint of the proposed development has been considered in both the EIAR and the supplementary information issued in response to the further information request by the Planning Authority. I note that the Greenhouse Gas (GHG) emissions associated with the construction and decommissioning phases have been excluded from the carbon footprint calculation as they are considered to be small in comparison to a typical year of operation. Whilst the construction and decommissioning will undoubtedly utilise plant and equipment which are known emitters of greenhouses gases, I am satisfied that any effects arising from standard and well-maintained plant and equipment would not be significant and will be short-term. I am also satisfied that the provision of a Greenhouse Gas Emissions Reduction Plan for the construction phase by way of condition which shall present progress in reduction efforts and provide details of measures undertaken to promote emissions reductions.

For the Operational phase, the EIAR provides projected GHG emissions for the site of 4,173.9 tonnes CO₂eq which when compared to the EPA Final GHG emissions for the period 1990-2017 (Reported in April 2019) represents 0.00687%. A revised figure for GHG emissions for the site of 4,694.708 tonnes CO₂eq was set out in the

response to the further information request. This figure is calculated based on stationary consumption of fuel and electricity on site and does not consider transport. When this figure is compared to a more recent publication for the period 1990-2023 (Reported in April 2025), the predicted contribution is 0.00854%. In addition, I have considered the predicted GHG emissions provided for the site against the National Carbon Budget of 200 Mt CO₂eq and the proposed development represents 0.00235%. There is a slight increase from the assessment in the EIAR to the interpretation of the figure provided in the further information response, owing to increased prediction and the improving performance nationally. I agree with the conclusion of the EIAR that the GHG emissions from the operation of the proposed development will be imperceptible. I am satisfied also that the provision of a Greenhouse Gas Emissions Reduction Plan for the operational phase by way of condition will continue to present progress in reduction efforts and provide details of measures and projects undertaken to promote emissions reductions including definitive commitments for complying with fossil fuel reduction targets.

I am satisfied that the required number of charging stations for electric vehicles in accordance with the Louth County Development Plan can be addressed by way of condition.

I agree also with the Carbon Footprint Calculation report prepared for the further information response in its evaluation which states that galvanising as a treatment process, by its very nature reduces or eliminates the need for more natural resources and new materials for the construction sector thus helping to reduce the GHG emissions from construction and suggesting also that galvanising is a component of sustainable construction. Whilst it is difficult to quantify this, I believe it is a valid consideration overall.

The further information response in regard to the requirements to decrease embodied carbon in materials used in construction relies on the use of recycled steel in the steel frame construction. It also refers to the recycling opportunities that exist for galvanised steel from what is assumed, both that used in the construction of the proposed development and the galvanised materials that will pass through the proposed development. In terms of the sustainability of materials used in the construction of the proposed development, I am satisfied that, as outlined by the

applicant in the response to the grounds of appeal, the proposed development will be subject to prevailing and future legislative requirements regarding sustainability.

In relation to the potential impacts as a consequence of climate change on the proposed development, the EIAR only notes changing rainfall patterns as potential impacts relevant to Ireland. I am satisfied with the engineering design for storm water management which has adopted an uplift contingency for climate change along with the consideration of flood risk. For any impacts brought on by varying temperatures, I am satisfied that due to the nature of the proposed operations and resilience of the project design, the vulnerability of the proposed development to climate change is not significant.

Conclusion: Direct and Indirect Effects

I have considered all of the written submissions, and any specific points made in relation to air and climate as well as the submitted application documentation. I am satisfied that any potential impacts would be avoided, managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms of air and climate.

8.17. **Landscape and Visual Impact Assessment**

Issues Raised

The third parties raised a number of concerns in regard to Landscape and Visual Impact. These are summarised as follows:

- the proposed height and scale of development will have negative impact on the local landscape.
- One appellant have raised concerns that the proposed development due to the proximity to protected structure known as Kilineer House and Gardens would have a detrimental negative impact on the existing structure.
- There is a lack of visual impact assessment completed with the application to determine the visual impact.

- The Louth Landscape Character Assessment (LLCA) was carried out in 2002. This predates the ratification and coming into force of the European Landscape Convention in Ireland and the adoption of the third edition of the GLVIA which radically redefined the concept of landscape, including for the purpose of the EIA. For example the LLCA defines landscape as “all that is visible when one looks across an area of land” whereas the ELC defines it as an area as perceived by people whose character is the result of the action and interaction of natural or human factors. The EIAR does not demonstrate awareness of the lacuna in the baseline. It is impossible to apply the various assessment criteria set out in the EIAR and/or deploy the GLVIA3 methodology in the absence of a Landscape Character Assessment that itself meets these requirements.

The following appendix is attached to chapter 12:

- Appendix 16 – Landscape Visual Impact Assessment

Environmental Impact Assessment Report

Chapter 12 of the EIAR comprises a Landscape and Visual Impact Assessment (LVIA). The chapter outlines the legislative and policy context, the baseline environment, the key characteristics of the proposed development, the potential effects, methodology used and sources of information.

The EIAR notes that no particular difficulties were encountered in the preparation of this chapter of the EIAR.

Appendix 12-1 comprises a separate booklet of photomontages containing 10 no. viewpoints (VPs) providing a comparison of the existing view, the outline view, the montage view .

I am satisfied that the applicants submitted photomontages provide a reasonable representation of how the proposed development would appear to allow for a full assessment of the potential impact.

Baseline

The site is located in a peri-urban area on the Northwestern periphery of Drogheda. The general topography of the region can be described as coastal plain. The site itself has a Southerly aspect with the lowest point being C.37mAOD at the southern end of the site, rising to a highpoint of C.48mAOD to the North. In terms of significant

woodland cover, the majority is focused along the Boyne River, with clusters also associated with estate landscapes such as Townley Hall and Killineer House. The coastline is approx. 9km to the east, with obvious visible waterbodies being the River Boyne 1.8km to the South and manmade waterbodies within former quarry sites to the South. In terms of potential historic or cultural interest, this general region is one of the most significant in the country, being within 3.5km of the Core protection area associated with Brú na Bóinne World Heritage Site and within 2km of its buffer zone. In addition the site and the surrounding area is intrinsically link to the Battle of the Boyne, with the subject site located 3km from the Battle of the Boyne visitors centre.

8.17.1. The subject site is currently composed of zoned lands which have been cleared in the past , but having been undeveloped for several years have experienced a degree of natural regeneration with selfseeded pioneer establishment. The site occupies an area of c.3.3Ha and generally rectangular in plan form, running parallel with the R132 to the east. The site and surrounding lands are zoned E1 General Employment. There are a small number of existing residential properties in the vicinity. This includes two properties located adjacent to the sites western boundary. Lands to the North of the site are currently unused, whilst lands to the west, south and east are currently in agricultural use. The site is not currently located within a 'business park' - it is located at the location of a previously proposed (but never completed) business park, and in proximity to some part built infrastructure relating to this. However. the same lands are now anticipated to be developed as an IDA business park.

The subject site is located centrally within the Landscape Character Area (LCA) classified as 'Boyne & Mattock Valley'.

There is one protected view within the study area- Brú na Bóinne (V9 of the Landscape Visual assessment) The application site is not located within a nationally designated landscape, however is approx 1km from a County level designation of 'High Scenic Quality Area' The UNESCO Brú na Bóinne core protection area is approx. 3.5km to the Southwest of the site. Whilst the protective buffer zone for Brú na Bóinne is 2km to the South West

Potential Effects

The EIAR identifies the potential for a range of environmental effects on Landscape and Visual Impacts. Likely significant effects of the development, as identified in the EIAR, are summarised in Table 9 below. Minor effects are not identified, except where there is potential for significant impact interactions, cumulative effects or where concerns have been expressed by parties to the application.

Table 9: Summary of Potential Effects

Project Phase	Potential Effects
Do nothing	Not examined for this factor in the EIAR. However, it is reasonable to conclude that if the proposed development does not proceed, the lands would continue to be used for scrub/underutilised lands.
Construction	<p>The vast majority of landcover (area of trees, hedgerows, shrubs and minority area of hardstanding) in the northern section of the site will be excavated during construction stage. There would be a high intensity of construction activity involving heavy machinery and workers.</p> <p>The magnitude of construction stage landscape impacts was deemed to be Moderate. When combined with the Medium-low sensitivity of the receiving landscape, the overall significance of construction stage landscape impacts was considered to be Moderate.</p>
Operation	<p>The predicted visual effects arising from the proposals at the selected key visual receptors during the Post construction / operational phase would range from Minor to Moderate with impact type being considered Neutral (N).</p> <p>Of these receptors, None are considered within the 'Significant' category – i.e. Predicted visual effects Moderate – Major or greater.</p>

Cumulative	No significant effects envisioned.
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Mitigation Measures

Section 12.6 of the EIAR sets out mitigation measures. The main mitigation measure in this instance is the retention of the existing boundary planting along east, south and western boundaries of the site and the implementation of an extensive landscaping scheme siting of the proposed development. The site is located within a peri-urban environment where future industrial development is very likely as a result of site zoning and submissions of IDA with respect to lands at this location. The roadway for the entire IDA lands are also substantially completed. Measures are embedded in the design of the development which includes extensive landscaping,. The colour scheme also reduces the visual presence of the proposal, recessing it with low contrast against the sky.

Residual Effects

Having regard to the embedded nature of the mitigation measures, and subject to adherence to landscaping, screening and colour scheme, the EIAR considered that any residual effects from the proposed development are not significant in terms of Landscape.

Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined, analysed and evaluated the information provided in Chapter 12 and all the associated documents including the separate booklet of photomontages and submissions on file in respect of landscape and visual impact. I have inspected the site and the surrounding area. I am satisfied that the information submitted in the EIAR adequately demonstrates an understanding of the potential impacts that the proposed development could have on the surrounding landscape and visual amenity of the area.

Third parties have raised concerns that the applicants has relied on the The Louth Landscape Character Assessment (LLCA) carried out in 2002. It is stated that the applicant failed to use the GLVIA3 methodology and this in turn affects the baseline for assessment. While noting the use of GLVIA 3 might be considered best practice, I note there is no legal requirement for its use within the Directive. The applicant

may use alternative methodologies subject to achieving the required assessment standards. I am satisfied that the use of the Louth Landscape Character Assessment for the site in this instance is acceptable. The applicant has provided an assessment that meets the directives information and quality standards in the form of comprehensive baseline, clear description of effects, transparent professional judgements and mitigation measures.

Regarding effects, there will be permanent physical effects to the landcover at the site, relating to the excavation and removal of the sites existing scrub and willow woodland and a number of trees, hedgerows and shrubs. However, none of the affected land cover or vegetation features is rare or decisive in forming the overall landscape character of the area. In terms of landscape character change, it is considered that the main mitigating factor is the presence and retention of existing mature boundaries on site, in what will help screen the development from adjacent residential properties. I consider that there is anticipation of future industrial/warehouse type development at this location and the lands at this location owing to site zoning will be subject to change. As a standalone development, I consider the retention of existing boundary vegetation and added mitigation measures will offer a degree of screening so that the development will be adequately screened on site so as not to be a significant negative visual impact from the perspective of adjacent residential properties.

In terms of visual impacts, for the majority of VPs, the proposed development will not be clearly visible due to intervening screening by terrain or vegetation. This results in a range of visual effects during construction from Minor/Negligible through to Major/Moderate. It should be noted that this wide range of visual effects largely reflects distance from the proposal with the highest effect being encountered in close proximity to the application site.

Third parties have raised concerns with respect to the number and locations of view points carried out, it is stated that their locations are not an adequate enough reflection of what the proposed finished building will look like on site. The degree of change to adjacent residential development is considered to be severe and the applicant has not focused on this element of visual impact sufficiently. I note that there are 16 dwelling houses within 500m of the proposed site – west. While the visual impact assessment did not assume a view of the site from the nearest of these

dwelling it did assume a viewpoint from the site itself. I consider that the levels of mitigation provided in terms of screening, while not completely screening the development will with sufficient time allow for adequate screening of the site. The site is on zoned lands where there is anticipation of future development of warehouse/ industrial type building. In this regard I consider the degree of change to be within acceptable limits subject to carrying out of all visual mitigation measures on site.

Conclusions: Direct and Indirect

I have considered all of the written submissions, and any specific points made in relation to landscape and visual impact, as well as the submitted application documentation. I am satisfied that any potential impacts would be managed and mitigated by the measures which form part of the proposed development, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in terms landscape.

8.18. Material Assets

No issues have been raised by any party to the appeal/application in respect of material assets. I have examined Chapter 13 of the EIA which assesses this topic. Having regard to the location of the site in a rural environment, the absence of any non-standard built services that will be impacted on by the proposed development, and standard arrangements for the management of waste, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on material assets as a result of the proposed development.

8.18. Interactions Between Impacts on Different Factors

The interactions between effects on the different environmental factors have been addressed as relevant across the EIA in chapters 4-13. Chapter 14 of the EIA addresses the principal interactions between effects with a matrix provided in Table 14-1. I would agree that the most notable interactions pertain to population and human health with other interactions between biodiversity, soils, water and air quality & climate, between noise, traffic and air quality & climate and between landscape, biodiversity and soils.

I have considered the interrelationships between factors and whether they might, as a whole, affect the environment, even though the effects may be acceptable when considered on an individual basis. In my assessment of each environmental topic, I have considered the likelihood of significant effects arising as a consequence of interrelationship between factors. Most interactions e.g. the impact of noise, traffic and air quality on the population and human health and the impact on water on the population and human health are addressed under individual topic headings. Given the significance and probability of the effects which are predicted to occur and having regard to the nature of the proposed development, mitigation measures, or as a consequence of proposed conditions, I do not foresee any likelihood of any of these interrelationships giving rise to significant effects on the environment.

I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, having considered the mitigation measures in place, I am satisfied that no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures are required.

8.19. Cumulative Impacts

The cumulative assessment of each chapter has had regard to the projects set out in the Planning History in Section 2.3 of the EIAR. In the passing of time since the submission of the application, other planning applications in the area have been submitted to Louth County Council. These applications are listed above in Section 4 of this report. The proposed development has been considered cumulatively with other plans and projects in the preceding sections of this report. The proposed development will not result in any significant residual effects and will not contribute to any cumulative effect when considered in combination with other plans and projects

8.20. Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submission 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 with the implementation of the proposed migration measures 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). I am 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.

I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

Commented [DM6]: Look at wording in Advice Note

9.0 Water Framework Directive

The nearest surface waterbody to which the site of the proposed development has connectivity is the Mell stream (or Tullyeskar_010 as referenced by the EPA) (IE_EA_07T270880) which is located c.340m northwest and west of the site at its nearest point. The Yellowbatter stream (also referenced by the EPA as Tullyeskar_010) (IE_EA_07T270880) is located closer at c.265m east of the site at its nearest point but it does not appear to be hydrologically connected to the site.

The bedrock aquifer underlying the site is classified as a (PI) Poor Aquifer - Bedrock which is Generally Unproductive except for Local Zones. The site is underlain by the Wilkinstown (IE_EA_G_010) groundwater body. The groundwater vulnerability across the site is Low.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I consider that a precautionary approach is warranted and a Stage 1 Water Framework Directive Stage 1 Screening Assessment is required. Please refer to Appendix 1.

11.0 AA Screening

Please refer to Appendix 2 & 3: Appropriate Assessment Screening (stage1) and Appropriate Assessment (Stage 2) of this report.

Stage 1 Screening Determination

- 10.1.1. Finding of likely significant effects in accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA, the Boyne Estuary SPA and the Boyne Coast and Estuary SAC in view of the conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is required.

10.1.2. **Stage 2 Screening Determination**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA, the Boyne Estuary SPA and the Boyne Coast and Estuary SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required. Following an examination, analysis and evaluation of the NIS, all associated material submitted, I consider that adverse effects on site integrity of the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA the Boyne Estuary SPA and the Boyne Coast and Estuary SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

10.1.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts
- An assessment of in-combination effects
- The proposed development will not affect the attainment of conservation objectives for the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA, the Boyne Estuary SPA and the Boyne Coast and Estuary SAC or prevent or delay the restoration of favourable conservation condition
- Effectiveness of mitigation measures proposed

It is also noted that the planning authority concluded that the proposed development, subject to mitigation measures outlined in the NIS, would not adversely affect, either directly or indirectly, the integrity of any European Site, either alone or in combination with other plans or project

11.0 **Recommendation**

It is recommended that permission be granted subject to conditions.

12.0 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 to 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 be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, 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.

12.1.1. 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;
 - National Planning Framework First Revision 2025
 - National Development Plan 2021-2030
 - Climate Action and Low Carbon Development (Amendment) Act 2021
 - Climate Action Plan, 2025
 - European Union Water Framework Directive 2000/60/EC (WFD)
 - Regional Spatial and Economic Strategy
 - 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.
- (f) The report of the inspector.

Environmental Impact Assessment

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

- i. the nature, scale and extent of the proposed development,
- ii. the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- iii. the submissions made in the course of the application; and
- iv. the 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.

The Commission agreed with the examination, set out in the inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

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).

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 13th day of March, 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 07.00am to 19.00pm Monday to Friday and 08.00 am to 02.00 pm 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:

- -All proposed external finishes, boundary treatments and surfacing.
- - The proposed retaining walls
- - Car/HGV parking, circulation and the proposed external storage areas
- - All proposed signage.

Reason: In the interest of orderly development

6. 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

7. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

8. 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

9. (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.

10. Construction Hours Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0700 to 1300 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.

11. 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
- (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 interest of amenities, public health and safety and environmental protection.

12. 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 interest of traffic safety and biosecurity.

13. Prior to commencement of development, 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) 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 interest of reducing waste and encouraging recycling.

14. 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.

15. 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.

16. 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.

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

- (a) Details of storm water monitoring proposals prior to discharge to the soakaway including frequency, testing parameters, environmental quality standards and reporting procedures
- (b) Details of the service plans for the oil interceptors including maintenance scheduling and any specific details in relation to service agreements that are in place with suppliers
- (c) Location of any fuel and chemical storage tanks and details of bunding
- (d) 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,
- (e) Details of emergency response procedures for the site,
- (f) Details of all waste management procedures,
- (g) Details of noise monitoring including the scope and timing of noise compliance monitoring,
- (h) A response procedure to noise complaints and noise threshold exceedances.
- (i) Details of the system for logging and investigating all complaints received during the operational of the development and details of the nominated point of contact for any complaints. This should be available for inspection by the Planning Authority on request
- (j) Details of the scheduling of delivery and haulage of raw gypsum materials on the route indicated in Figure 3.8 of the EIAR including a provision for communicating this schedule to all sensitive receptors
- (k) Details of all greenhouse gas emissions and initiatives to encourage reductions.

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

18. 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 interest of public health and visual amenity.

19. 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.

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.

Darragh Ryan
Planning Inspector
18/12/2025

Appendix 1 – Stage 1 Screening for Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	319281	Townland, address	Mell, Drogheda Co. Louth
Description of project		The development will consist of a proposed steel galvanising facility, site access, infrastructure, and associated works.	
Brief site description, relevant to WFD Screening,		<p>The topography of the site varies from 47mAOD to 38mAOD with an average difference in level of 10m falling from north to south, The site comprises poorly drained impermeable soils with a high density of drainage channels in the wider area with existing drainage channels located along the east and southern boundaries of the site. This drainage channel eventually discharges to the Mell Stream c.530m southwest of the site.</p> <p>The lands to the south, west and east are predominantly used for agricultural use, mainly tillage and grazing with some reliance on drainage channels. There are two residential properties adjacent to the western boundary of the site The lands to the north are under the control of the IDA with some initial infrastructural works having been completely with the remainder of the lands undeveloped and with similar areas of overgrowth to that on the site of the proposed development.</p>	
Proposed surface water details		Surface water drained from impermeable areas will pass through a hydrocarbon interceptor prior to discharge to a either a stormtech infiltration system and conveyed to groundwater or discharge to an existing channel via an attenuation tank in the southeast of the site.	

	Excess roofwater which is not utilised by the proposed rainwater harvesting system will be drained to the stormtech infiltration system and discharged to groundwater.					
Proposed water supply source & available capacity	Proposed connection to the public mains supply and rainwater harvesting.					
Proposed wastewater treatment system & available capacity, other issues	Not applicable					
Others?	Not applicable					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface runoff, drainage, groundwater)
River Waterbody	340m	Tullyeskar_010	Moderate	Under review	No pressures	Hydrologically connected to the surface watercourse via the drainage channel to which

						stormwaters will discharge to in the south of the site.
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Groundwater waterbody	Underlying site	Wilkinstown IE_EA_G-010	Poor	At risk	Agriculture	Infiltration and seepage.
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Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination ** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Tullyeskar_010	Drainage and uncontrolled runoff during works	Siltation in the watercourse Hydrocarbon Spillages	Standard Construction Measures / Conditions, pollution controls, fuel storage etc.	No	Screened out
2.	Ground	Wilkinstown	Drainage			No	Screened out

		IE_EA_G-010		Hydrocarbon Spillages	Standard Construction Measures / Conditions, pollution controls, fuel storage etc.		
OPERATIONAL PHASE							
3.	Surface	Tullyskar_010	Drainage	Hydrocarbons and chemicals from impermeable areas	Standard Control Measures / Conditions, pollution controls, fuel storage etc. Hydrocarbon interceptors prior to discharge.	No	Screened out
4.	Ground	Wilkinstown IE_EA_G-010	Drainage	Hydrocarbons and chemicals from impermeable areas	Standard Control Measures / Conditions, pollution controls, fuel storage etc. Hydrocarbon interceptors prior to discharge.	No	Screened out
DECOMMISSIONING PHASE							
5.	n/a	n/a	n/a	n/a	n/a	n/a	n/a

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Appendix 2 – AA Screening Determination

Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	A description of the project is summarised in Section 2 of my report. In summary, the proposed development comprises the construction of a new hot dip Galvanizing building, with ancillary offices for a total area of 5,719 sq. m.
Brief description of development characteristics and potential impact mechanisms	<p>A detailed description of the proposed development is provided in Section 2 of this report and detailed specifications of the proposed development area are provided in the NIS/AA screening Report and other planning documents provided by the applicant.</p> <p>The site has a stated area of 3.419ha and forms part of a larger landholding (c. 15.47ha) within the applicant’s (IDA) ownership that is referred to as the IDA Drogheda North Business Park.</p> <p>There are no surface water features located within the appeal site. There are drainage ditches located to the south and southwest of the appeal site which could potentially provide connectivity to the Tullyeskar Stream is located c. 450m west of the appeal site. The Tullyeskar Stream is also located c. 400m north and c. 450m northwest of the appeal site, however, given the topography of the site it is unlikely that surface water would drain in this direction. The Tullyeskar Stream is a tributary of the River Boyne.</p> <p>The construction phase would be completed within 18-24 months and would include localised excavation works within the footprint of the appeal site.</p> <p>Potential construction phase run-off could contribute to downstream impacts such as increased siltation, nutrient release and/or contamination.</p> <p>These impacts could contribute to habitat degradation and deterioration of water quality in the receiving and downstream environments. During the operational phase</p>

surface water would be attenuated on site in a specifically designed storm water attenuation system and would ultimately be discharged to the Tullyeskar Stream.

Screening Report/ Natura Impact Statement

An Appropriate Assessment Screening and Natura Impact Statement was prepared by Kingfisher Environmental Consultants in support of the application.

Relevant Submissions

No submissions from a third party or a prescribed body with regard to AA.

Identification of relevant European sites using the Source-pathway-receptor mode

The proposed development is not located within or adjacent to any designated site. Therefore, the proposed development would not result in any direct effects such as habitat loss on any European Site. Four European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. The applicants AA Screening Report identifies 2. no additional designated sites (River Nanny Estuary and Shore SPA 004158 and Clogher Head SAC 001459), that are within 15km of the appeal site. However, as there is no potential connectivity from the proposed development to these sites, they are not considered to be within the potential zone of influence, and are excluded from any further assessment. Site synopsis and conservation objectives can be found on the NPWS website (www.npws.ie)

Table 1: European Sites within the Zone of Influence

European Site (code)	Summary of Qualifying Interests	Distance from proposed development	Ecological connections (source, pathway, receptor)	Consider further in screening Y/N
River Boyne and River Blackwater SAC (002299)	Alkaline fens Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> River Lamprey Salmon Otte	c. 1.5km south	Yes, indirect hydrological connection to the River Boyne via surface water run-off to drainage channels located to the south and south-west of the site boundary, which drain to the Tullyeskar Stream located c. 450m southwest of the appeal site, which is a tributary of the River Boyne	Yes
River Boyne and River Blackwater SPA (004232)	Kingfisher	c. 2.km south / southwest	Yes, indirect hydrological connection to the River Boyne via surface water	yes

			run-off to drainage channels located to the south and south-west of the site boundary, which drain to the Tullyeskar Stream located c. 450m southwest of the appeal site, which is a tributary of the River Boyne	
Boyne Estuary SPA (004080)	Shelduck Oystercatcher Golden Plover Grey Plover Lapwing Knot Sanderling Black-tailed Godwit Redshank Turnstone Little Tern Wetland and Waterbirds	c. 4.1km southeast	Yes, indirect hydrological connection to the River Boyne via surface water run-off to drainage channels located to the south and south-west of the site boundary, which drain to the Tullyeskar Stream located c. 450m southwest of the appeal site, which is a tributary of the River Boyne which provides connectivity to the Boyne Estuary.	Yes
Boyne Coast and Estuary SAC 001957	Estuaries Mudflats and sandflats not covered by seawater at low tide Annual vegetation of drift lines Salicornia and other annuals colonising mud and sand Atlantic salt meadows Embryonic	C5km southeast	Yes, indirect hydrological connection to the River Boyne via surface water run-off to drainage channels located to the south and south-west of the site boundary, which drain to the Tullyeskar Stream located c.	Yes

	shifting dunes Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) Fixed coastal dunes with herbaceous vegetation		450m southwest of the appeal site, which is a tributary of the River Boyne which provides connectivity to the Boyne Estuary.	
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Likely effects of the project, alone or in combination on European Sites

The proposed development would not result in any direct effects to a designated site. However, due to the indirect hydrological link of the proposed development to the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA, the Boyne Estuary SPA and the Boyne Coast and Estuary SAC, via surface water run-off and the Tullyskar Stream, impacts generated by the construction of the proposed development requires consideration. Sources of impact and likely significant effects are detailed in Table 2 below.

Table 2: Screening Matrix

Site Name		Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impact	Effects	
River Boyne and River Blackwater SAC (002299)	No direct impacts envisioned. Indirect impacts include the potential release of silt and sediment during site works and potential release of construction related compounds including hydrocarbons to surface water.	Potential damage to riparian and river habitats associated with inadvertent spillages of hydrocarbons and/or other chemicals during construction phase. Potential damage to the habitats and qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives.	
Yes: Likelihood of significant effects from proposed development alone			
No: Likelihood of significant effects occurring in combination with other plans or projects			
	Impact	Effects	
River Boyne and River Blackwater SPA (004232)	No direct impacts envisioned. Indirect impacts include the potential release of silt and sediment during site works and potential release of construction related compounds including hydrocarbons to surface water.	A decline in water quality would undermine the conservation objectives set for water quality targets and to prey availability	
Yes: Likelihood of significant effects from proposed development alone			
No: Likelihood of significant effects occurring in combination with other plans or projects			
	Impact	Effects	
Boyne Estuary SPA (004080)	No direct impacts envisioned. Indirect impacts include the potential release of silt and	A decline in water quality would undermine the conservation	

	sediment during site works and potential release of construction related compounds including hydrocarbons to surface water.	objectives set for water quality targets and to prey availability
Yes: Likelihood of significant effects from proposed development alone		
No: Likelihood of significant effects occurring in combination with other plans or projects		
	Impact	Effects
Boyne Coast and Estuary SAC (001957)	No direct impacts envisioned. Indirect impacts include the potential release of silt and sediment during site works and potential release of construction related compounds including hydrocarbons to surface water.	Potential damage to riparian and river habitats associated with inadvertent spillages of hydrocarbons and/or other chemicals during construction phase. Potential damage to the habitats and qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives.
Yes: Likelihood of significant effects from proposed development alone		
No: Likelihood of significant effects occurring in combination with other plans or projects		
Based on the information provided in the screening report, my site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA, the Boyne Estuary SPA and the Boyne Coast and Estuary SAC. I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of these designated sites when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species		
Screening Determination		
Finding of likely significant effects In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA, the Boyne Estuary SPA and the Boyne Coast and Estuary SAC, in view of the conservation objectives of a number of qualifying interest features of those sites. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is required.		

Appropriate Assessment (Stage 2)

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development in view of the relevant conservation objectives of the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA, the Boyne Estuary SPA and the Boyne Coast and Estuary SAC based on scientific information provided by the applicant.

The information relied upon includes the Natura Impact Statement prepared by Kingfisher, Environmental Consultants. I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

A description of the sites and their Conservation and Qualifying Interests (QI's) / Special Conservation Interests (SCI's), including any relevant attributes and targets for these sites, are set out in the NIS and are also available on the NPWS website (www.npws.ie).

The following tables provide an assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field as outlined in the NIS. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

Table 2: River Boyne and River Blackwater SAC (0002299)

Conservation Objectives: To maintain or restore the favourable conservation status of habitats and species of community interest (M/R).

Detailed Conservation Objectives available: <https://www.npws.ie>

Summary of Key issues that could give rise to adverse effects (from screening stage):

- Water quality degradation (construction)

Qualifying Interests:	Conservation Objectives Summary	Potential Adverse Effects	Mitigation Measures
Alkaline fens (M)	Maintain favourable conservation condition in relation to habitat area, habitat distribution, ecosystem function, vegetation structure and composition and physical structure.	No direct Impacts. Activities associated with construction phase may result in the release of silt / sediment laden water run-off which could negatively impact on water quality.	Section 3.3 of the NIS outlines best practice design and mitigation measures. The best practice design and mitigation measures would ensure that all potential pollutant sources would be retained within the footprint of the appeal site and would not enter the surrounding environment.
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (R)	Restore favourable conservation condition in relation to habitat area, distribution, physical structure, vegetation structure and composition	No direct impacts Activities associated with construction phase may result in the release of silt / sediment laden water run-off which could negatively impact on water quality.	Construction Phase: Standard mitigation measures outlined include the following: A “silt fence” is to be installed along the southern site boundary and also along the northwestern drainage ditch to mimic the potential surface water drainage from the site. This is to prevent silting or contaminated run-off from leaving the site towards any surface water
<i>Lampetra fluviatilis</i> (River Lamprey) (R)	Restore favourable conservation condition in relation to distribution, extent and population	Given the nature of the works there will be no direct disturbance or displacement of River Lamprey or Salmon.	ditch. The “silt fence” is to remain in place for the duration of the works
Salmon salar (Salmon) (R)	Restore favourable conservation condition in relation to distribution, population, number and distribution of reeds and water quality.	Activities associated with construction phase may result in the release of silt / sediment laden water run-off which could negatively impact on water quality.	

Lutra lutra (Otter) (M)	Maintain the favourable conservation condition in relation to distribution, the extent of terrestrial and freshwater habitat, coupling sites and holts, fish biomass and barrier to connectivity.	<p>Given the nature of the works there will be no direct disturbance or displacement of otters.</p> <p>Potential indirect impacts:</p> <p>Water Quality: Activities associated with construction phase may result in the release of silt / sediment laden water run-off.</p> <p>Impact on aquatic prey</p>	<p>Potentially contaminating substances will be stored in designated areas that are isolated from surface water drains or open waters. Hazardous wastes such as waste oil, chemicals and preservatives will be stored in designated, sealed containers. Fuelling, lubrication and storage areas will be in a designated area away from excavation works and not within 30 m of drainage ditches or surface waters.</p> <p>All ready-mixed concrete shall be delivered to site by truck. A suitable risk assessment for wet concreting shall be completed prior to works being carried out. Washdown and washout of concrete trucks, with the exception of the chute, will take place at an appropriate facility off-site Works carried out in accordance with relevant legislation, standards and guidelines.</p> <p>Operational Phase:</p> <p>Surface water drainage is designed in accordance with best practice. A new subsurface attenuation tank shall be installed to withhold runoff generated on main building and concrete apron</p>
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			<p>during extreme rainfall events. The attenuation tank shall be fitted with a hydrobrake to restrict release of stormwater to pre-development greenfield runoff rates. These Sustainable Urban Drainage Systems (SuDS) shall be implemented to control all runoff leaving the site at pre-development greenfield runoff rates. Hence the proposed activities will not increase flood risk elsewhere.</p> <p>Two new hydrocarbon interceptors are proposed to treat rainfall-runoff generated on hardstanding areas. The interceptors are capable of collecting silt mobilised in rainfall-runoff.</p> <p>It will be necessary to undertake follow-up surface water monitoring, to include a full suite of chemical and biological sampling. In the event of any exceedance, these will be recorded, reported and corrective action undertaken, with reference to planning compliance conditions and liaison with Louth County Council.</p>
<p>Table 3: River Boyne and River Blackwater SPA (004232)</p>			

<p>Conservation Objectives: To maintain or restore the favourable conservation status of habitats and species of community interest (M/R). Detailed Conservation Objectives available: https://www.npws.ie</p> <p>Summary of Key issues that could give rise to adverse effects (from screening stage):</p> <ul style="list-style-type: none"> • Water quality degradation (construction) 			
Qualifying Interests:	Conservation Objectives Summary	Potential Adverse Effects	Mitigation Measures
Kingfisher (Alcedo atthis) (M)	Maintain the favourable conservation condition in relation to population, productivity, distribution, extent and quality of nesting, water quality, barriers to connectivity, disturbance to breeding sites.	Kingfishers foraging and nesting habitats along the River Boyne are remote from the appeal site and as such there should be no direct impacts. Potential indirect Impacts: Water Quality: Activities associated with construction phase may result in the release of silt / sediment laden water run-off. Impact on aquatic prey	As above.
<p>Table 4: Boyne Estuary SPA (004080)</p> <p>Conservation Objectives: To maintain or restore the favourable conservation status of habitats and species of community interest (M/R). Detailed Conservation Objectives available: https://www.npws.ie</p> <p>Summary of Key issues that could give rise to adverse effects (from screening stage):</p> <ul style="list-style-type: none"> • Water quality degradation (construction) 			
Qualifying Interests:	Conservation Objectives Summary	Potential Adverse Effects	Mitigation Measures
Shelduck (Tadorna tadorna) (M)	Maintain the favourable conservation condition in relation to population trend and distribution.	Given the nature of the works there will be no direct disturbance or displacement of species	As above.

Oystercatcher (Haematopus ostralegus) (M)	Maintain the favourable conservation condition in relation to population trend and distribution.	<p>Potential indirect impacts:</p> <p>Water Quality: Activities associated with construction phase may result in the release of silt / sediment laden water run-off.</p> <p>Impact on aquatic prey</p>	
Golden Plover (Pluvialis apricaria) (M)	Maintain the favourable conservation condition in relation to population trend and distribution.		
Grey Plover (Pluvialis squatarola) (M)	Maintain the favourable conservation condition in relation to population trend and distribution.		
Lapwing (Vanellus vanellus) (M)	Maintain the favourable conservation condition in relation to population trend and distribution.		
Knot (Calidris canutus) (M)	Maintain the favourable conservation condition in relation to population trend and distribution.		
Sanderling (Calidris alba) (M)	Maintain the favourable conservation condition in relation to population trend and distribution.		
Black-tailed Godwit (Limosa limosa) (M)	Maintain the favourable conservation condition in relation to population trend and distribution.		
Redshank (Tringa totanus) (M)	Maintain the favourable conservation condition in relation to population trend and distribution.		
Turnstone (Arenaria interpres) (M)	Maintain the favourable conservation condition in relation to population trend and distribution.		

Little Tern (<i>Sternula albifrons</i>) (M)	Maintain the favourable conservation condition in relation to breeding population, productivity rate, distribution, prey biomass available, barriers to connectivity and disturbance at breeding sites.		
Wetland and Waterbirds (M)	Maintain the favourable conservation condition in relation to habitat area.		

Table 5: Boyne Coast and Estuary SAC 001957

Conservation Objectives: To maintain or restore the favourable conservation status of habitats and species of community interest (M/R).

Detailed Conservation Objectives available: <https://www.npws.ie>

Summary of Key issues that could give rise to adverse effects (from screening stage):

- Water quality degradation (construction)

Qualifying Interests:	Conservation Objectives Summary	Potential Adverse Effects	Mitigation Measures
Estuaries (M)	Maintain favourable conservation condition in relation to habitat area and community distribution.	No direct Impacts.	As above.
Mudflats and sandflats not covered by seawater at low tide (M)	Maintain favourable conservation condition in relation to habitat area and community distribution.	Activities associated with construction phase may result in the release of silt / sediment laden water run-off which could negatively impact on water quality.	
Annual vegetation of drift lines	Maintain / Restore favourable status.		

Salicornia and other annuals colonising mud and sand (R)	Restore favourable conservation condition in relation to habitat area, habitat distribution, physical structure and vegetation structure and composition.		
Atlantic salt meadows (Glaucopuccinellietalia maritimae) (M)	Maintain favourable conservation condition in relation to habitat area, habitat distribution, physical structure and vegetation structure and composition.		
Mediterranean salt meadows (Juncetalia maritimi)	Maintain / Restore favourable status. Currently under review.		
Embryonic shifting dunes (R)	Restore favourable conservation condition in relation to habitat area, habitat distribution, physical structure and vegetation structure and composition.		
Shifting dunes along the shoreline with Ammophila arenaria (white dunes) (R)	Restore favourable conservation condition in relation to habitat area, habitat distribution, physical structure and vegetation structure and composition.		
Fixed coastal dunes with herbaceous vegetation (grey dunes) (R)	Restore favourable conservation condition in relation to habitat area, habitat distribution, physical structure and vegetation structure and composition.		
Assessment: <i>Surface Water Quality:</i>			

Construction Phase: Activities associated with construction phase may result in the release of silt / sediment laden water run-off to the drainage ditches to the south and southwest of the appeal site which could potentially provide connectivity to the Tullyeskar Stream, c. 450m west of the appeal site, which is a tributary of the River Boyne. Standard pollution prevention measures would be put in place during the construction phase. These measures are standard practice for construction sites and would be required for a development on any site, irrespective of any potential hydrological connection to a designated site. In the event that the pollution control measures were not correctly implemented or failed I am satisfied that due to the nature of the qualifying interests, the separation distance (a minimum of 1.5km km as the crow flies), to the distant and interrupted hydrological connection and the volume of water (dilution factor) separating the appeal site from the designed sites, that the impact on the qualifying interests of the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA, the Boyne Estuary SPA and the Boyne Coast and Estuary SAC would not be significant.

Operational Phase: During the operational phase surface water a new subsurface attenuation tank shall be installed to withhold runoff generated on main building and concrete apron during extreme rainfall events. The attenuation tank shall be fitted with a hydrobrake to restrict release of stormwater to pre-development greenfield runoff rates. These Sustainable Urban Drainage Systems (SuDS) shall be implemented to control all runoff leaving the site at pre-development greenfield runoff rates. Hence the proposed activities will not increase flood risk elsewhere.

Two new hydrocarbon interceptors are proposed to treat rainfall-runoff generated on hardstanding areas. The interceptors are capable of collecting silt mobilised in rainfall-runoff.

I am satisfied that no further preventative mitigation measures are required during the operational phase to protect any designated site.

Ex-Situ Habitat: There is no spatial overlap with between the appeal site and River Boyne and River Blackwater SPA or the Boyne Estuary SPA. There is no evidence of any qualifying interest of these designated sites utilising the appeal site. No preventative mitigation measures are required.

In-combination effects
<p>Section 2.2.4.1 of the AA Screening Assessment provides a summary of all programmes, plans and projects that could potentially result in in-combination effect with the proposed development. Since the submission of the application there are two other applications. Of note is Reg. Ref. 23/60388, ACP 320912 for the construction of an office and industrial/production spaces on the opposite side of the access road to the proposed development. An NIS has been submitted with this application which concludes that the development would not result in any adverse effect on any designated site.</p> <p>I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.</p>
Findings and Conclusions
<p>The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment.</p> <p>No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of sediment and or silt laden surface water. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.</p>
Site Integrity
<p>The proposed development will not affect the attainment of the Conservation objectives of the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA, the Boyne Estuary SPA and the Boyne Coast and Estuary SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.</p>
Appropriate Assessment Conclusion: Integrity Test
<p>In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA, the Boyne Estuary SPA and the Boyne Coast and Estuary SAC in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required. Following an examination, analysis and evaluation of the NIS, all associated material submitted, I consider that adverse effects on site integrity of the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA, the Boyne Estuary SPA and the Boyne Coast and Estuary SAC can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.</p> <p>My conclusion is based on the following:</p> <ul style="list-style-type: none"> • Detailed assessment of construction and operational impacts • An assessment of in-combination effects • The proposed development will not affect the attainment of conservation objectives for the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA, the Boyne Estuary SPA and the Boyne Coast and Estuary SAC or prevent or delay the restoration of favourable conservation condition • Effectiveness of mitigation measures proposed

It is also noted that the planning authority concluded that the proposed development, subject to mitigation measures outlined in the NIS, would not adversely affect, either directly or indirectly, the integrity of any European Site, either alone or in combination with other plans or projects.

Appendix 4 – Consideration of Local Authority Conditions

Planning Authority		Included/ excluded in Schedule of Conditions
Louth County Council		
Condition 4	Local Authority Noise Levels	Excluded. This is within the remit of the EPA.
Condition 5	Noise Levels	Excluded. This within the remit of the EPA
Condition 7	Landscaping	Excluded provided for within the EIAR
Condition 10	Construction hours of operation	Hours to be amended to coincide with EIAR
Condition 11	Road cleanliness and sweeping during construction	Excluded. To be adopted in Condition 13
Condition 12	Responsibility and cost of sweeping on the developer	Excluded. To be adopted in Condition 13
Condition 13	Piling and vibration	Excluded not specifically relevant to this appeal. Standard construction practices are indicated. Ground/ bedrock does not requires specific piling techniques above standard practices

Condition 14	Provision for monitoring during construction of: Noise Dust On request and have access to inspect apparatus used for the same.	Excluded. Adopted into condition 13
Condition 15	Archaeology	Excluded – not necessary as per EIAR
Condition 19	Sightlines	Excluded – see section 8 above.