

19th March 2024

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

AN BORD PLEANÁLA

LDG- 070691-24
ABP- 319281-24

19 MAR 2024

Fee: € 220 type: Cheque
Time: 12:19 By: Hand

File Number: 23/60115

Proposal: Permission for development including: 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. 2) Construction of approx. 298 sq.m. GFA two storey office building 3) Provision of hardstanding area, 4) Provision of vehicular and pedestrian entrance. 5) Provision of 110 car parking spaces, including 7 EV charging points, and 20 bicycle spaces. 6) Provision of internal access road. 7) Provision of 2 no. weighbridges 8) Installation of 2 no. LPG tanks, 9) lighting. 17) And all ancillary site development works. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) will be submitted with the application. The proposed development will require an Industrial Emissions (IE) Licence, under the EPA Act 1992, as amended

Decision Date: 19th February 2024

Appeal Date: 19th March 2024

Re: THIRD PARTY PLANNING APPEAL

Dear Sir or Madam,

This is a third party planning appeal on behalf of *Mr. Charles Carroll, Killineer House & Gardens, Killineer, Drogheda, Co. Louth* in respect of the notification of decision to grant planning permission by Louth County Council for the above proposed development. Attached is a cheque for € 220, a copy of our client's receipt for submission from the local authority and a copy of the local authority decision.

We have reviewed the application, further information response, and the internal reports by Louth County Council, considered the planning history of the site and adjoining lands, and the provisions of the Louth County Development Plan 2021-2027, and visited the site and its environs on two separate occasions. Our client is opposed to the proposed development that would materially contravene the zoning objective for the site, it is premature pending the provision of drainage and sustainable transport infrastructure, it would create a traffic hazard on the R132, and it would set an undesirable precedent for further toxic heavy industrial development at this rural location. The Board is requested to overturn the decision of the local authority and refuse planning permission. The grounds of appeal are set out below.

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GROUNDS OF APPEAL

Killineer House and Gardens

Our client is the owner and proprietor of Killineer House (a protected structure) and Garden that extend to some 47.75 hectares (118 acres) with a further 30.35 hectares (75 acres) at Rosehall. The origins of the gardens go back to the 18th Century when the original house at Killineer was built by George Pentland on a site at the northern end of the present walled-in garden (see www.killineerhouse.ie). The present Killineer House was constructed in 1838 by George Harpur. The 18th century walled gardens continue in existence and has been cultivated and maintained as a fully stocked walled vegetable garden.

After George Harpur died in 1888, the house passed through various owners before it was bought by James Carroll in 1938 and it remains in the Carroll family to this day. Killineer House and Gardens are of local, county, and regional significance in terms of their cultural and architectural heritage and are available for visitors. The Gardens at Killineer House form part of the Boyne Valley Garden Trail (see <https://boynevalleygardentrail.com/>) and their importance is formally recognised in the development plan as part of the County's historic gardens and designed landscapes (see No. 47 in Table 9.5).

The provision of a 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. This scheme will deter visitors to north Drogheda and Killineer House and Gardens. As a result, it is submitted that the proposed development would materially contravene policy objective BHC 38: *To ensure new development will not adversely affect the site, setting or views to and from historic gardens and designed landscapes of heritage significance* and it should be refused on that basis.

Land Use Zoning

The zoning objective does not support toxic heavy industrial development and that the application has not provided a justification to materially contravene the zoning objective. The site is zoned E1: General Employment Zoning in the Louth County Development Plan 2021-2027 and has long been referred to as part of the North Drogheda Business Park. In the E1 zoning, industry heavy is identified only as an open for consideration use with a further qualifier "*as deemed appropriate to the specific location*". In other words, the heavy industry land use is effectively a not permitted use save at specific locations, none of which have been identified in the development plan.

Assessing the specific location of the appeal site, it is within the previously planned North Drogheda Business Park of which there is a partially constructed road network, unknown drainage and water infrastructure, and an incomplete junction¹ with the R132. A toxic heavy industrial use as proposed is not compatible with the original planned business park at this location. Our client has no objection to a business park development at this location albeit there are significant infrastructure deficiencies at present. Further, the site abuts two private residential properties to the southwest to be 'protected' by a berm, there are other residential

¹ It is our position that the current works at that junction are being undertaken without any planning consent and representations have been made to Louth County Council whom we understand have opened an enforcement investigation.

properties in close proximity on the eastern side of the R132 opposite the incomplete access, two nearby reservoirs, adjoining agricultural lands, a substantial Tourism and Leisure zoned site that is owned by our client, and the historic Killineer House and Gardens to the northeast.

It is our client's position that any heavy industrial use would not be compatible with the existing and proposed adjoining land uses at this un-serviced location. For example, this toxic heavy industry proposal would render the tourism and leisure zoned lands as undevelopable. How could you invest in a hotel development or outdoor leisure pursuit beside this toxic plant? The development would also significantly affect the suitability of the remaining employment zoned lands for business park development, which has been the longstanding planning objective for these lands. No high employment generating technology or R&D facility will choose to locate adjacent to a galvanising steel plant.

This proposal would be more appropriately sited closer to Drogheda port, the vacant serviced lands at Donore Road, or adjacent to the applicant's 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 applicant's selective 'search' started. From a review of the planning report that accompanies this application, there is no justification for the proposal at this location in the context of heavy industry's qualified acceptability within the zoning objective. The "evaluation" at paragraph 5.32 of 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".

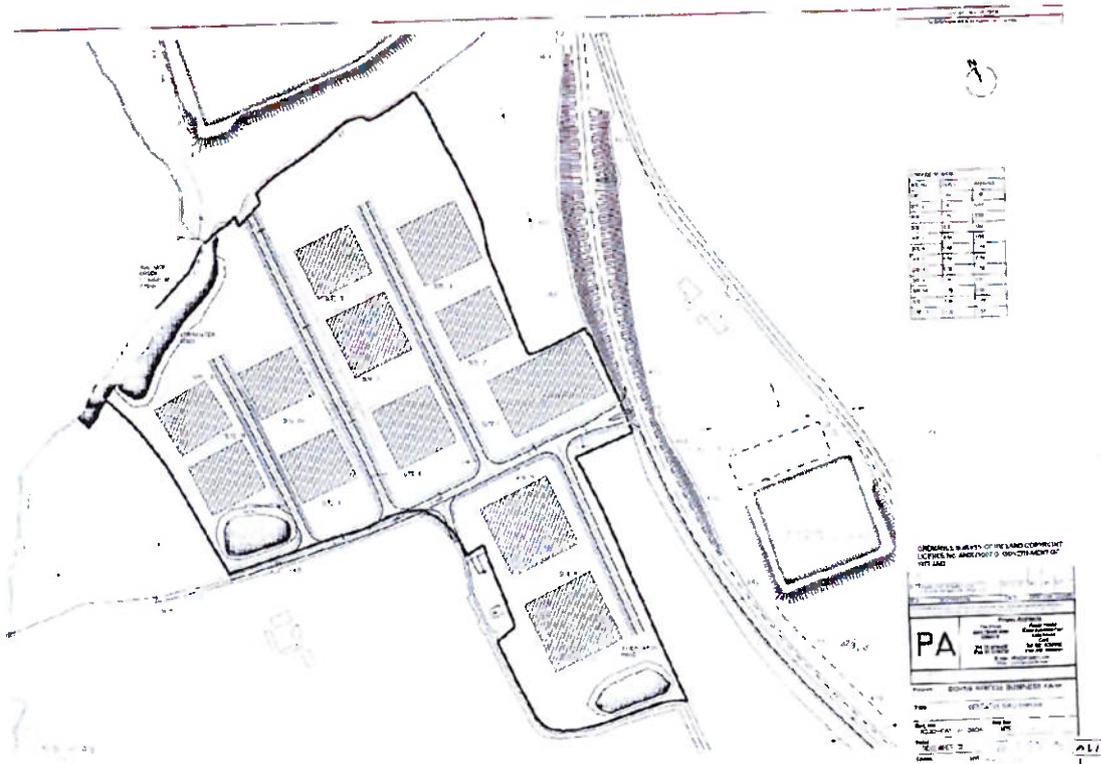
The applicant and indirectly the IDA are looking to take advantage of the vague and ambiguous employment zoning objective that applies to this site at North Drogheda Business Park. The Board is reminded of the advice in respect of general employment zonings in section 6.2.5 of the Development Plan Guidelines for Local Authorities which states "*General 'employment' zonings with ambiguous or unclear objectives should not be provided for in a development plan, as they can result in conflicting uses that may give rise to competing operational and environmental requirements.*" Further, the Guidelines recommend a specific Special Industry zoning objective i.e. such uses, activities and processes would be likely to produce adverse impacts, for example by way of noise, dust or odour – advice which has not been followed in the development plan. It follows that the qualified open for consideration designation that applies to heavy (or special) industry within the E1 employment zoning is ambiguous and directly contravenes the section 28 guidelines for Local Authorities.

As these Guidelines post-date the publication of the current County Development Plan, a variation to the development plan's excessive and ambiguous employment land use zoning at Drogheda should be considered a priority before any permissions are granted at North Drogheda Business Park. The proposed Joint Local Area Plan for Drogheda, which has only commenced preparation may address this lacuna but until it is clarified, the proposal materially contravenes the land use zoning objective and or is premature pending the publication of the Joint Local Area Plan for Drogheda.

Masterplan Requirement

The proposed development is premature pending the provision of a masterplan for the undeveloped employment zoned land per section 5.12.4 of the development plan. The application includes a

"Preliminary" sketch layout dated 12/4/22 on an IDA Ireland headed drawing showing 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. Further, it also fails to have regard to the approved industrial/warehouse development per planning permission Ref. 18/822 and there is no consideration of the previous 'masterplan' in the following image that was tabled with planning application ref. 071435 (PL15.228184):



Source: planning application ref. 07/1435

The development plan provides the following requirement for a masterplan of the application site and all of the adjoining undeveloped employment zoned lands:

A Masterplan will also be required for the employment lands in the vicinity of the M1 Retail Park. Provision of the aforementioned Masterplans will ensure a holistic and co-ordinated approach is taken to the development of the lands. These Masterplans will set out a conceptual layout and provide infrastructural details including roads, water services, and surface water in addition to a phasing programme for the build out of the lands.

In addition to this provision, policy objective EE37 of the development plan states:

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*

The development of these lands shall be for economic investment and employment generating uses. 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.

The IDA Ireland preliminary sketch layout drawing couldn't have taken longer than 30 minutes to conjure up. It fails to provide infrastructural details including roads, water services, and surface water in addition to a phasing programme for the build out of the lands as required by the development plan. In fact, it is somewhat insular in that it largely only considers IDA owned lands plus a small portion of what we understand is local authority owned land and there is no evidence to suggest it has been agreed in writing with the Planning Authority in accordance with the requirements in section 13.5 of the development plan.

As set out below, it our client's position that there are significant and material infrastructural deficiencies associated with this proposed development and the overall IDA lands that render any development of these employment zoned lands as premature. It is essential for the proper planning and sustainable development of the area that a properly prepared masterplan is agreed with the Local Authority as stipulated by the statutory development plan and that all infrastructure requirements are identified and properly planned for in any masterplan for the area.

The IDA Works

The proposal is also premature pending the implementation of the necessary road and drainage infrastructure, which are collectively referred to as the 'IDA works' in the planning application. A review of the planning register will confirm various previous planning applications and permissions relating to the overall employment lands including refs. 07/1435, 09/425, and 18/822. The 2007 application was approved and partially implemented before it lapsed whereas the 2009 permission lapsed without any works taking place. There was a planning permission Ref. 18/822 that expired on 12th February 2024, from which it would appear the IDA are relying upon to implement the IDA works.

So, what was proposed and approved under ref. 18/822? The full description of that proposed development was lengthy but it essentially comprised two parts (i) Revisions/modifications to existing roads and services infrastructure permitted under Reg. Ref: 07/1435 involving completion of the east-west distributor road linking the L6323 (Chapel Lane) to the R132 and completion of part of the existing north-south private estate road which will have a control point with security hut (12sq.m) and barrier system, and (ii) a light industrial/warehouse building (3,390sq.m gross floor area) with a maximum height of c.12.3 metres.

It is submitted that planning permission ref. 18/822 does not allow for the construction of the necessary roads or drainage infrastructure (extensive off site foul drainage and water supply) for the following reasons:

- First, planning permission Ref. 07/1435 had long expired before the submission of ref. 18/822, so an application to revise and modify works approved and partially constructed under that permission is administratively flawed because any planning permission for ref. 18/822 was tied to the expiration date of planning permission ref. 07/1435.
- Second, condition 6(b) of ref. 18/822 relates to embankment re-grading on the eastern side of the R132 that is required to achieve forward visibility for approaching traffic on the 100 KPH R132. These works are not on land within the ownership or control of the IDA. In fact, a review of ref.

07/1435 will confirm that the required embankment works were not within the red line boundary of that application site either and nor were they on lands within the control of the then applicant, Kevin McNulty. It is noted that condition 19(a) of the Council's notification of decision to grant specifies sightlines and references the re-grading in ref. 07/1435 but that condition does not provide any authority to the applicant or the IDA to implement those works without a prior grant of planning permission which cannot be sought without the consent of landowner.

- Third, up to 1.4 km of off-site foul drainage upgrade works down the R132 were notionally included on the drainage drawings with ref. 18/822 but these works were not shown within the red line boundary of that application site or on lands within the applicant's control. In other words, the applicant does not have the ability to implement those works. These essential infrastructure works were also not shown within the red line boundary of planning application ref. 07/1435. If the failed SHD process has thought us anything, it is that all proposed works should be shown within the red line boundary of the application site with the approved letter of consent from the relevant landowner included even when that is the local authority.
- Finally, neither the IDA nor the applicant can cherry pick which parts of the approved development under ref. 18/822 that it elects to implement whilst ignoring the rest of the approved development. Condition no. 1 of ref. 18/822 requires that the entire approved development shall be carried out in conformity with the plans, specifications, and details received. Having regard to the above and what has been permitted under ref. 18/822, it is submitted that the IDA works cannot be implemented without a fresh planning permission and thus this proposal by Hibernia Steel does not have the necessary roads or drainage infrastructure.

Planning permission Ref 18/822 expired last month on 12th February 2024. The IDA works that it was proposed to misleadingly cherry pick from that consent, no longer have the benefit of planning permission. It follows that the proposed development does not have critical roads and drainage infrastructure required and thus permission should be refused.

Unsustainable Development

This proposal is the very definition of unsustainable development, and it should have been rejected by the local authority at this inaccessible location in favour of any of the many vacant and fully serviced sites within urban Drogheda – those on Donore Road being the most obvious alternatives being proximate to an M1 interchange. The development is proposed on a site within the partially developed North Drogheda Business Park, which is detached from urban Drogheda, it has zero public transport facilities, there isn't a footpath or cycle path on the nearest public road which is the highly dangerous 100 KPH R132, and the proposal includes one car parking space per employee!!

Chapter 7: Movement of the Louth County Development Plan 2021-2027, 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 the 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.

It is submitted that all national, regional, and local transport planning policy is to promote a modal shift from the private car to all forms of sustainable transport most notably public transport, cycling and walking. It follows and the Board is invited to agree that this proposal would materially contravene policy objectives MOV2 (Climate Change), MOV3 (land use and sustainable transport), and MOV7 (modal shift) in Chapter 7 of the County Development Plan. The appeal site and adjoining lands should not be zoned for employment or any other development because they will never be serviced by sustainable transport due to their peripheral un-serviced rural location.

Following on from the above, the applicant submitted a Workplace Travel Plan comprising objectives and targets that are wholly unrealistic and fail to have due regard to the total absence of pedestrian and cycling infrastructure within the environs of the site and the cited results from the CSO Mode of Travel to Work in 2016. From table 6.1 in the submitted Workplace Travel Plan, five targets are identified for year 1. None of these will be met for the following reasons:

- (i) There is no footpath along the R132 where the 100 kph speed limit applies. The nearest footpath is c. 750 metres away. Nobody will therefore attempt to walk to work at this location.
- (ii) Similarly, there is no cycleways or cyclepaths serving the site, so few persons would be mad enough to risk cycling to work along the R132. Further, the 20% target for trips by bicycle is a staggering 13 times the figure recorded by the CSO in 2016.
- (iii) There is no bus, minibus or coach that serves this location, so it is not possible for any employee to arrive and or depart by this mode of transport.
- (iv) The proposal includes 110 no. car parking spaces for a development that is projected to employ 110 persons – 1 space per employee!! This incentivises all employees that owns a car to travel to work by car as opposed to pursuing more sustainable alternative forms.
- (v) The target for car passenger is more than 4 times what was recorded by the CSO. Again, this target is unrealistic and wildly inconsistent with survey results.

The inaccessibility of the appeal site relative to Drogheda that has zero transport links other than by private car and the consequent influence it will have on how employees will get to and from work has not been properly considered in the context of this workplace travel plan, the EIAR, or the transport policies and objectives in the development plan. The year 1 targets in the workplace travel plan may well be laudable but they have no basis in reality and there is no reasonable prospect of them ever been achieved either in year one or subsequent years. This is a wholly unsustainable location for the proposed development and on that basis it should be refused.

Irish Water Confirmation of Feasibility

Based on the information in the Irish Water confirmation of feasibility in Appendix A of the Boylan Services Report, it is submitted that the proposal does not have the required access to water supply or foul drainage services. The IW letter clearly states water connection is feasible “to the 550 mm diameter watermain recently laid on the R.166”. However, the proposal is to connect to a pipe at the access road linking Chapel Lane to the R132. As admitted by the applicant, that pipe is not part of the Irish Water network and from the

lodged plans, the proposed connection works are not within the red line boundary of application site or within other lands in the applicants or IDA's control.

The wastewater connection is only feasible subject to upgrades as follows:

- *In order to accommodate the proposed connection to Irish Water wastewater network at the Premises, upgrade works are required to extend the length of the network by approximately 1400m. Irish Water currently does not have any plans to extend its network in this area. Should you wish to progress with the connection you will be required to fund this network extension.*
- *Please note this confirmation of feasibility does not confirm that a gravity connection to the public sewer is achievable, a pumping station may be required.*
- *Further information is required prior to the connection application stage to understand the proposed flows from the IDA Business Park in order to ensure the network extension is sized correctly.*

As explained above, planning permission is not in place for the 1400 metres off-site works that have been specifically identified by Irish Water as part of the required upgrades. Those works are also expressly not included in this proposed development, so the applicant does not have a connection to the foul drainage network. Further, Irish Water has not confirmed that a gravity connection is achievable which contradicts the applicant's claims that a pumping station is not required.

In addition to the applicant not complying with the Irish Water feasibility requirements, it is noted that the pre-connection enquiry related to a "Business connection of 3 unit(s) at IDA Site, Mell, Drogheda". That information is not consistent with the application submitted to Louth County Council. The provision of the necessary infrastructure is an essential requirement for any proposed development. The proposed development does not provide for a water supply or waste water connection as set out in the Irish Water confirmation of feasibility letter. The IDA is not in a position to provide these services, therefore the proposal is premature pending the provision of critical engineering infrastructure.

Traffic Hazard

The proposed development would create a traffic hazard at the R132 and would severely compromise the safety of vulnerable road users. A site inspection will confirm the R132 has a speed limit of 100 KPH and that traffic on this road drives to the max speed and faster. It is a very dangerous road due to the excessive speed of motorist that use it. In particular, any right turning traffic movements onto the R132 are especially hazardous. The proposal seeks to utilise the unfinished access junction with the R132 that would permit left in left out and right turning movements into and out of the IDA lands.

According to the applicant papers, trucks serving the proposed development would carry up to 20 tonnes of steel on heavy good vehicles (HGV). We do not accept that every load to or from this site will carry 20 tonnes as set out in the traffic and transport assessment, which as a result, underestimates the traffic movements associated with the proposed development. Even without such an excessive load, a long wheel base HGV would be very slow at performing a right turning movement i.e. departing the IDA lands, heading south towards the M1 – the proximity to the M1 being a supposed factor in selecting this location. With or

without the 20 tonne steel load, right turning HGV movements would create a serious traffic hazard to the fast moving traffic on the R132.

Planning permission was previously refused by An Bord Pleanála to Terry King to retain a quarry at Killineer/Newtownmonasterboice/Silloge, Drogheda, Co. Louth (ref. 07/1999 and ABP PL 15.228185 refer). The second of three reasons for refusal related to turning movements onto the R132 and was as follows: *"It is considered that the proposed site access onto the protected R132 Regional Route at a point where the general speed limit of 100 km/h applies would generate traffic turning movements which would interfere with the safety and free-flow of traffic on the public road. It is considered, therefore, that the proposed development would endanger public safety by reason of traffic hazard."*

From the inspector's report on that appeal, he stated in paragraph 12.16 *"I am of the opinion that the conflict between fast moving traffic on the R132 and slow moving HGV's accessing the site, particularly those egressing the site with loads, has the potential to create a traffic hazard at this location."* It is inevitable that this scenario will also arise at North Drogheda Business Park, if this proposal were to proceed. Further, the hazard would be exacerbated by the applicant and IDA's inability to implement the embankment re-grading that is required to provide forward visibility for traffic on the southward side of the R132.

The proposal would also create a traffic hazard for vulnerable road users namely pedestrians and cyclists. There are no footpaths or cycle lanes on the R132 and none are proposed to serve the site. The Council's internal report on ref. 18/822 highlighted the requirement for a footpath from the R166 roundabout to the site entrance on the R132, which was a 'proposal' in ref. 07/1435 but the planner omitted it on the basis that it was quite onerous for a standalone application for a single industrial unit. Any approval within North Drogheda Business Park will establish a precedent for further development in the Park. It is essential that all appropriate and necessary infrastructure is in place from the start. A failure to provide pedestrian and cycling infrastructure on the fast moving R132 is unacceptable on the grounds of traffic safety and in the context of promoting sustainable development.

Natura Impact Statement (NIS) and EIAR

It is submitted that the appropriate assessment and environmental impact assessment report with the application are inadequate for the following reasons:

1. Neither the NIS nor EIAR consider the full extent of the proposed development which must include the roads and services infrastructure, or the IDA works as they are referenced in the application. This may be considered project splitting but it is more likely an error by omission of these works that are critical to the implementation of the proposed development.
2. 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 actually lists any other developments that have been considered in conjunction with the proposal not even the vague masterplan scheme is considered or the extant planning permission ref. 18/822.
3. The consideration of alternatives is too narrow and selective. The cursory examination of three alternative sites is inadequate and fails to consider other comparable zoned sites in Drogheda, it fails to consider alternatives sites within the IDA lands, and it fails to consider alternative layouts for

the proposed development or alternative processes. The applicant's attempt to address the woefully deficient initial assessment in the further information response creates more questions than answers and further emphasises errors and omissions in the EIAR with regard to alternatives.

4. The EIAR does not consider the within 20 minute proximity of the applicant's existing plant. This 'criteria' was introduced as part of the further information response but wasn't retrospectively applied as part of the environmental impact assessment of the proposal.

The legislative requirements for NIS and EIAR are extremely onerous and even more so when there is such an environmentally dangerous proposal such as a galvanising plant proposed. A cursory review of both documents reveals critical omissions e.g. ground water assessment as outlined in the Thomas Vainio-Mattila submissions that should render both as inadequate assessments that cannot be relied upon by the Board. The Board is therefore invited to reject the findings of both documents and using the precautionary principle, reject this proposal.

Alternative Sites

It is acknowledged that the local authority accepted that the EIAR did not address alternative sites and that further information was submitted by the applicant. However, the applicant's further information response is a blatant attempt to 'reverse engineer' the appeal site as the preferred site from an environmental perspective long after that decision has been made for other non-environmental considerations, most likely financial. The criteria used are selective and designed to re-affirm the appeal site as the preferred location when more logical, practical, and suitable sites from a planning and environmental perspective are the applicant's existing facility at Grangegeeth, Co. Meath or at a site within AL13 that meets all their criteria.

From the various applications at Grangegeeth, the applicant's property extends to 3.6 ha. or 8.9 acres that comprises large areas of inefficient open yard storage. There is an extant outline planning permission (MCC ref. LB180223 and ABP Ref. 304224-19) for an additional 3,016 sq.m. of industrial space and more recently retention permission (MCC ref. 211800) was granted for 665 sq.m. GFA extension to existing building to house the steel finishing machinery. In other words, having regard to the established industrial use of the site, the planning authority and An Bord Pleanála has approved extensive additional development at this un-zoned location. Further, according to the application form, the site is serviced by public mains, so the Boylan report is either misleading in stating that it is unknown about the Irish Water network or they didn't check it.

The applicant has included the ability to purchase the land as a criteria in its assessment. There is no planning or environmental requirement to acquire the land, so that consideration should be ignored. In assessing the lands at Grangegeeth, the Boylan report fails to consider its locational advantage whereas an unexplained and arbitrary 20 minute drive time of Hibernia's existing steel facility at Grangegeeth is included as part of the criteria for sites AL4-AL15. It remains our client's opinion that the applicant has failed to properly assess and reject the lands within their ownership and abutting their property at Grangegeeth, Co. Meath.

Our initial observation to the Council also identified other alternative locations, one of which is within the extensive E1 zoned land that is labelled AL13 in the FI response. The particular site that we highlighted is c. 6.6 acres and bounded by Donore Road to the north, Cherrymount to the east, Bellew Electrical Wholesale to

the south and Becton Dickinson to the west. None of the three comments in the applicant's further assessment to dismiss this site are valid. A masterplan is not required to develop that land; Donore Road provides direct access to the grade separated junction 9 on the M1, and this site has not been previously cleared, so there are no constraints to its immediate development. Table 5 erroneously includes 3 no. red 'marks' against AL13 which do not apply.

It is also submitted that site AL15 is acceptable when weighted against the appeal site. Table 5 notes a potential infrastructure constraint at AL15 but the appeal site requires 1.4 km of an off-site network extension that Uisce Éireann have no plans to implement. This is a further example of a selective approach to alternative site assessment and it's blatant desire to promote the IDA site notwithstanding its planning and environmental deficiencies and the availability of more appropriate alternative locations.

Finally, any assessment of alternative locations should include accessibility for the workforce i.e. access to public transport, walking and cycleways, that impacts on climate change especially as item 3 of the request related to workplace travel plan and item 5 related to carbon footprint. The failure to consider accessibility should render any consideration of alternatives as a redundant exercise. Its omission from the applicant's criteria is further evidence of a desire to promote an unsustainable location for the proposed development.

Summary and Conclusion

Our client is not opposed to the development of North Drogheda Business Park for employment generating uses. The E1 zoning includes a range of permitted in principle uses that should be pursued by the IDA. A toxic and highly pollutant galvanising steel facility is not appropriate at this location, it would materially contravene the development plan's zoning objective, it would set an undesirable precedent for further dirty heavy/special industrial development at this un-serviced peripheral rural location, and it would seriously detract from the potential for other employment generating development within the E1 zoned lands.

The proposal is also premature pending an approved masterplan for the overall employment zoned lands, the delivery of the necessary infrastructure, in particular, road, water supply and foul drainage, and the publication of the Joint Drogheda Local Area Plan. Finally, the proposal would impact on the setting and environment of Killineer House and Gardens, the wider rural environs of the site, and seriously impact on the delivery of tourism and leisure infrastructure on our client's zoned land. The Board is therefore requested to overturn the decision of Louth County Council and refuse planning permission for the reasons set out above.

Please acknowledge receipt of this appeal and direct all future correspondence to this office.

Regards,



Raymond O'Malley

Kieran O'Malley & Co. Ltd.

ROM: rom

- Enclosures
1. A cheque for € 220 payable to An Bord Pleanála
 2. A copy of our client's receipt for submission
 3. A copy of the local authority decision



LOUTH COUNTY COUNCIL

Town Hall, Crowe Street, Dundalk, County Louth A91 W20C
Tel: 042/9335457

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

Date: 01/02/2024

TO: Charles Carroll
c/o Raymond O'Malley
Kieran O'Malley & Co. Ltd, 2. Priory Office Park
Stillorgan Park, Blackrock
County Dublin, A94 P281

ACKNOWLEDGEMENT OF SUBMISSION

Applicant: Hibernia Steel (Manufacturing) Limited

Description of Development: Permission for development including: 1) Construction of approx. 5,719 sq.m. gross floor area (GFA) main building, to house hot dip metal galvanising plant, machinery & associated works & containing materials loading & unloading areas, chemicals storage areas & 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 & a southern section of approx. 2,404 sq.m. GFA, with maximum heights above finished ground levels of 17.30m & 14.55m, respectively, together with an approx. 679 sq.m. GFA two storey over basement section with a maximum height above finished ground level of 8.90m, adjoining the east of the northern section. 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 2.7m above the maximum height of the northern section & 1 no. emission vent located on the western side of the northern section of the building, at a height of 7.2m above finished ground level. 2) Construction of approx. 298 sq.m. GFA two storey office building to be located to north of main building, containing main reception area & general offices. 3) Provision of hardstanding area, processed & unprocessed materials storage areas & HGV/trailer parking spaces. 4) Provision of vehicular & pedestrian entrance. 5) Provision of 110 car parking spaces, including 7 EV charging points & 20 bicycle spaces. 6) Provision of internal access road. 7) Provision of 2 no. weighbridges 8) Installation of 2 no. LPG tanks, 9) Construction of ESB substation within the main building. 10) Provision of bunded fuel storage area. 11) Provision of stormwater drainage & treatment infrastructure, including permeable paving, attenuation unit, infiltration area, rainwater harvesting tanks & ass. works. 12) Site landscaping works, including raised soil berm on part of the western boundary of the site with a max. ht. of approx. 3m above finished ground level. 13) Firewater retention infrastructure.

14) Provision of site security fencing & entrance walls and gates. 15) Provision of signage. 16) Provision of site lighting. 17) And all ancillary site development works. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) will be submitted with the application. The proposed development will require an Industrial Emissions (IE) Licence, under the EPA Act 1992, as amended

Location of Development: Mell Drogheda Co. Louth.

Date Application Received: 22/05/2023

Type of Application: PERMISSION

A Chara

I wish to acknowledge receipt of your written submission/observation in relation to the above application.

The Planning Authority will take this submission/observation into consideration before a decision is made on the application. You will be notified of the decision as soon as it is made together with details of your right of appeal to An Bord Pleanala.

The application and all plans, etc. submitted with it are available for inspection at this office from 9 a.m. to 5 p.m. Monday to Friday. Please quote the planning reference number (2360115) in any future correspondence or enquiry.

Mise, le meas



Conor Kerrigan
Planning Office

PLANNING AND DEVELOPMENT REGULATIONS, 2006 (as amended)

**ACKNOWLEDGEMENT OF RECEIPT OF SUBMISSION OR OBSERVATION ON A
PLANNING APPLICATION**

THIS IS AN IMPORTANT DOCUMENT!

**KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO
PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANALA IF
YOU WISH TO APPEAL THE DECISION OF THE PLANNING
AUTHORITY.**

LOUTH COUNTY COUNCIL

PLANNING APPLICATION REFERENCE NO. 23/60115

Hibernia Steel (Manufacturing) Limited., Permission for development including: 1) Construction of approx. 5,719 sq.m. gross floor area (GFA) main building, to house hot dip metal galvanising plant, machinery & associated works & containing materials loading & unloading areas, chemicals storage areas & 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 & a southern section of approx. 2,404 sq.m. GFA, with maximum heights above finished ground levels of 17.30m & 14.55m, respectively, together with an approx. 679 sq.m. GFA two storey over basement section with a maximum height above finished ground level of 8.90m, adjoining the east of the northern section. 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 2.7m above the maximum height of the northern section & 1 no. emission vent located on the western side of the northern section of the building, at a height of 7.2m above finished ground level. 2) Construction of approx. 298 sq.m. GFA two storey office building to be located to north of main building, containing main reception area & general offices. 3) Provision of hardstanding area, processed & unprocessed materials storage areas & HGV/trailer parking spaces. 4) Provision of vehicular & pedestrian entrance. 5) Provision of 110 car parking spaces, including 7 EV charging points & 20 bicycle spaces. 6) Provision of internal access road. 7) Provision of 2 no. weighbridges 8) Installation of 2 no. LPG tanks, 9) Construction of ESB substation within the main building. 10) Provision of bunded fuel storage area. 11) Provision of stormwater drainage & treatment infrastructure, including permeable paving, attenuation unit, infiltration area, rainwater harvesting tanks & ass. works. 12) Site landscaping works, including raised soil berm on part of the western boundary of the site with a max. ht. of approx. 3m above finished ground level. 13) Firewater retention infrastructure.

14) Provision of site security fencing & entrance walls and gates. 15) Provision of signage. 16) Provision of site lighting. 17) And all ancillary site development works. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) will be submitted with the application. The proposed development will require an Industrial Emissions (IE) Licence, under the EPA Act 1992, as amended at Mell, Drogheda, Co. Louth.

A submission/observation in writing has been received from:

Charles Carroll, c/o Raymond O'Malley, Kieran O'Malley & Co. Ltd, 2. Priory Office Park, Stillorgan Park, Blackrock, County Dublin, A94 P281

on 1st February, 2024 in relation to the above application.

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations, 2006 (as amended), and will be taken into account by the Planning Authority in its determination of the Planning Application.



Conor Kerrigan
Planning Office

PLANNING AUTHORITY
STAMP

DATE: 01/02/2024



LOUTH COUNTY COUNCIL

Town Hall, Crowe Street, Dundalk, County Louth A91 W20C
Tel. 042/9335457

PLANNING & DEVELOPMENT ACTS, 2000 (as amended)

TO: Charles Carroll
c/o Raymond O'Malley
Kieran O'Malley & Co. Ltd, 2. Priory Office Park
Stillorgan Park, Blackrock
County Dublin, A94 P281

Date: 19/02/2024

Applicant: Hibernia Steel (Manufacturing) Limited

Register Reference Number: 2360115

Date Application Received: 22/05/2023

Type of Application: PERMISSION

Description of Development: Permission for development including: 1) Construction of approx. 5,719 sq.m. gross floor area (GFA) main building, to house hot dip metal galvanising plant, machinery & associated works & containing materials loading & unloading areas, chemicals storage areas & 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 & a southern section of approx. 2,404 sq.m. GFA, with maximum heights above finished ground levels of 17.30m & 14.55m, respectively, together with an approx. 679 sq.m. GFA two storey over basement section with a maximum height above finished ground level of 8.90m, adjoining the east of the northern section. 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 2.7m above the maximum height of the northern section & 1 no. emission vent located on the western side of the northern section of the building, at a height of 7.2m above finished ground level. 2) Construction of approx. 298 sq.m. GFA two storey office building to be located to north of main building, containing main reception area & general offices. 3) Provision of hardstanding area, processed & unprocessed materials storage areas & HGV/trailer parking spaces. 4) Provision of vehicular & pedestrian entrance. 5) Provision of 110 car parking spaces, including 7 EV charging points & 20 bicycle spaces. 6) Provision of internal access road. 7) Provision of 2 no. weighbridges 8) Installation of 2 no. LPG tanks, 9) Construction of ESB substation within the main building. 10) Provision of bunded fuel storage area. 11) Provision of stormwater drainage & treatment infrastructure, including permeable paving, attenuation unit, infiltration area, rainwater harvesting tanks & ass. works. 12) Site landscaping works, including raised soil berm on part of the western boundary of the site with a max. ht. of approx. 3m above finished ground level. 13) Firewater retention infrastructure. 14) Provision of site security fencing & entrance walls and gates. 15) Provision of signage. 16) Provision of site lighting. 17) And all ancillary site development works. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) will be submitted with the application. The proposed development will require an Industrial Emissions (IE) Licence, under the EPA Act 1992, as amended

Location of Development: Mell Drogheda Co. Louth

Further to your submissions/observations in relation to the above planning application, I now enclose a copy of the notification to the applicant of the Planning Authority's decision on the application. An appeal against this decision may be made to An Bord Pleanála in accordance with Section 37 of the Planning and Development Act, 2000 (as amended)

An **appeal** against this decision may be made to An Bord Pleanála. The procedure for making an appeal is available on An Bord Pleanála's website (www.pleanala.ie).



**Anne D. Callan,
Administrative Officer**



LOUTH COUNTY COUNCIL

Town Hall, Crowe Street, Dundalk, County Louth A91 W20C

Tel: 042/9335457

Fax:0429392910

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

NOTIFICATION OF DECISION TO GRANT

TO: Hibernia Steel (Manufacturing) Limited
c/o Niamh Murray
Main Street
Mullagh
Co. Cavan
A82 TR04

Date: 19/02/2024

Register Reference Number: 2360115

Date Application Received: 22/05/2023

Type of Application: PERMISSION

Description of Development: Permission for development including: 1) Construction of approx. 5,719 sq.m. gross floor area (GFA) main building, to house hot dip metal galvanising plant, machinery & associated works & containing materials loading & unloading areas, chemicals storage areas & 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 & a southern section of approx. 2,404 sq.m. GFA, with maximum heights above finished ground levels of 17.30m & 14.55m, respectively, together with an approx. 679 sq.m. GFA two storey over basement section with a maximum height above finished ground level of 8.90m, adjoining the east of the northern section. 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 2.7m above the maximum height of the northern section & 1 no. emission vent located on the western side of the northern section of the building, at a height of 7.2m above finished ground level. 2) Construction of approx. 298 sq.m. GFA two storey office building to be located to north of main building, containing main reception area & general offices. 3) Provision of hardstanding area, processed & unprocessed materials storage areas & HGV/trailer parking spaces. 4) Provision of vehicular & pedestrian entrance. 5) Provision of 110 car parking spaces, including 7 EV charging points & 20 bicycle spaces. 6) Provision of internal access road. 7) Provision of 2 no. weighbridges 8) Installation of 2 no. LPG tanks, 9) Construction of ESB substation within the main building. 10) Provision of bundled fuel storage area. 11) Provision of stormwater drainage & treatment infrastructure, including permeable paving, attenuation unit, infiltration area, rainwater harvesting tanks & ass. works. 12) Site landscaping works, including raised soil berm on part of the western boundary of the site with a max. ht. of approx. 3m above finished ground level. 13) Firewater retention infrastructure. 14) Provision of site security fencing & entrance walls and gates. 15) Provision of signage. 16) Provision of site lighting. 17) And all ancillary site development works. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) will be submitted with the application. The proposed development will require an Industrial Emissions (IE) Licence, under the EPA Act 1992, as amended

Name of Applicant: Hibernia Steel (Manufacturing) Limited

Location of Development: Mell, Drogheda, Co. Louth

Date of Decision: 19/02/2024

In pursuance of the powers conferred upon it by the above mentioned Acts, the Council of the County of Louth, being the Planning Authority for the County of Louth, has decided to **GRANT PERMISSION** for the development mentioned above, subject to the 20 condition(s) set out in the schedule attached.

An **appeal** against this decision may be made to An Bord Pleanála. The procedure for making an appeal is available on An Bord Pleanála's website (www.pleanala.ie).

If no appeal is taken against this decision, a grant of PERMISSION will be made on the expiration of the period for the making of an appeal. If an appeal or appeals is/are taken, the grant shall not be made unless the appeal, or, as the case may be, each appeal, is either:

- (a) withdrawn
- (b) dismissed by An Bord Pleanála or
- (c) is subject to a direction by An Bord Pleanála.

N.B. UNTIL THE GRANT IS MADE THE DEVELOPMENT IN QUESTION IS NOT AUTHORISED.

No development may be carried out on foot of an **outline** permission until a **grant of permission consequent on outline** has been obtained.



Anne D. Callan,
Administrative Officer

LOUTH COUNTY COUNCIL

REFERENCE NO. 23/60115

CONDITIONS

1. Subject to the conditions below, the proposed development shall be carried out in strict conformity with the plans, specifications and details received on 22nd May 2023 and revised plans and specification submitted on the 20th of December 2023.

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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. In accordance with the Council's Development Contribution Scheme 2023 made under the provisions of section 48 of the Planning and Development Act 2000 the developer shall pay a contribution to the Planning Authority, in the amount specified below (or such increased amount in accordance with the changes on an annual basis to the Wholesale Price Index for building and construction published by the Central Statistics Office) towards the costs already incurred or to be incurred by the Planning Authority on the provision of each of the public facilities listed below, which will benefit development in the area of the Planning Authority. Unless otherwise agreed in writing with the Planning Authority before development is commenced the said contribution shall be paid in full before such commencement. -

- a) Class 1 €73 x 6,017sqm = €439,241 – 75% = €109,810.25
- b) Class 2 €17 x 6,017sqm = €102,289 – 75% = €25,572.25

Total: €135,382.50

(One hundred and thirty-five thousand, three hundred and eighty-two euro and fifty cent)

Reason: The provision of such public infrastructure and facilities in the area of the Planning Authority has benefited or will benefit the proposed development and it is considered reasonable that the developer should contribute towards the cost of their provision.

REFERENCE NO: 23/60115

3. 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.

4.(a) 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

(b) The developer shall continue to carry out noise surveys to measure noise levels at the nearest sensitive locations during normal working hours and nighttime measurements. The monitoring locations shall be confirmed and agreed with the Planning Authority within 3 months of the date of this permission. Noise measurement shall be to an appropriate standard and the frequency of surveys shall be agreed with the Planning Authority within 3 months of the date of this permission.

The Planning Authority shall be afforded access at all reasonable times in order to inspect, examine and check or to have inspected, examined and checked, all apparatus and equipment used or required to carry out monitoring of noise. The developers shall pay a sum of money to Louth County Council, if demanded, as a contribution towards the costs incurred by the said Council in carrying out, or in having carried out, check monitoring and recording of any, or all, of the matters required to be monitored and recorded by part and of this condition. The amount of contribution and the arrangement for payment of such contribution shall be as agreed between the developers and the Planning Authority.

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

5. All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics-Description and Measurement of Environmental Noise Levels as amended.

Reason: In the interests of clarity.

REFERENCE NO: 23/60115

6. 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.

7. (a) The site shall be landscaped strictly in accordance with the submitted scheme of hard and soft landscaping.

(b) All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of similar size and species unless otherwise agreed in writing with the Planning Authority'.

Reason: In the interest of residential and visual amenity.

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

Reason: In the interests of visual and residential amenity.

9. 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.

Reason: In the interest of public health.

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

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

REFERENCE NO: 23/60115

11. The public road at the entrance to and adjacent to the site, shall be kept free of soil, clay, gravel, mud or dust or other debris at all stages while the development is taking place. Care shall be taken to ensure that all vehicles leaving the site are free of any material that would be likely to deposit on the road and in the event of such deposition occurring, immediate steps shall be taken to remove the material from the road surface. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.

Reason: In the interests of traffic safety and to protect the visual amenities of the area.

12. The developer shall undertake and be responsible for the full cost of carrying out of road and footpath cleaning work under Planning Authority supervision or alternatively, shall pay to the Planning Authority the full cost of cleaning any such debris.

Reason: To protect the amenities of the area.

13. The transmitted ground vibration arising from any piling carried out on the site, when measured on the foundations of the house nearest the location of the piling and not owned by the developer or on a part of the house in close contact with the foundations, shall not exceed a peak particle velocity of 5 millimeters per second in any one of three mutually orthogonal planes.

Reason: To safeguard the amenities of adjacent property

14. (a) The developers shall, if directed by the Planning Authority, monitor and record noise levels during construction of the development – Leq's and any other levels which may be requested by the Planning Authority (L max etc.)

(b) The developer shall if directed by the Planning Authority, monitor, and record the total dust emissions arising from all on site operation associated with the proposed development during construction.

(c) The number and locations of the monitoring and recording stations for sound and dust deposition necessary to comply with the requirements of Part (a) and (b) of this condition shall be in accordance with the requirements of the Planning Authority for such monitoring of sound and dust deposition.

(d) The Planning Authority shall be afforded access at all reasonable times in order to inspect, examine and check or to have inspected, examined, and checked, all apparatus and equipment used or required to carry out monitoring of noise.

REFERENCE NO: 23/60115

(e) The developers shall pay a sum of money to Louth County Council, if demanded, as a contribution towards the costs incurred by the said Council in carrying out, or in having carried out, check monitoring and recording of any, or all, of the matters required to be monitored and recorded by part (a) and (b) of this condition. The amount of contribution and the arrangement for payment of such contribution shall be as agreed between the developers and the Planning Authority.

Reason: In the interest of the proper planning and development of the area and in the interest of residential amenity.

15. Archaeological monitoring:

(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 works 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.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

16. The mitigation measures as set out in the Natural Impact Statement shall be fully adhered to. The developer shall appoint a person with appropriate ecological and construction expertise as an environmental manager to ensure that the mitigation measures identified in the Environmental Impact Assessment Report and the Natural Impact Statement are implemented in full.

Reason: In the interest of orderly development and protection of the environment

17. 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



REFERENCE NO: 23/60115

18. 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 stage. Where proposals relating to the installation of electric vehicle ducting and charging stations or points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to and agreed in the writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and or future proof the development such as would facilitate the use of electric vehicles.

19. (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.

(b) Surface water from the site shall be disposed of within the boundaries of the site and shall not discharge onto the access road or adjoining property. Surface water drainage, infiltration, attenuation, and disposal shall be as indicated on SUDS Drainage Report Section 3 which form part of Engineering Services Report completed by Boylan Consulting Engineers Ltd dated 14/04/2023 and all referenced drawings, namely Drg. No. C216-DR-BCON-CE-101. The developer shall be responsible for regular and adequate SUDS maintenance measures to be carried out. The applicant has indicated that part of site will discharge to an existing land drain. The applicant shall satisfy themselves that this drain has adequate capacity to cater for any surface runoff from proposed development. Design and Construction of the proposed Surface Water Attenuation Structures shall be supervised and certified by a Competent Independent Structural Engineer.

(c) All diversion/accommodation works in relation to existing overhead ESB power lines that traverse the site and undergrounding of ESB lines shall be carried out in compliance with ESB approval and their subsequent conditions.

REFERENCE NO: 23/60115

(d) The proposed access road within the development shall be surfaced with an impermeable surface (e.g. concrete, dense bitumen macadam, etc.) and drained via patent type surface water lockable gullies or surface water drainage channels to a separate surface water drainage system. Gully chambers, where proposed, shall be provided at the minimum rate of one gully chamber per 200m². No road gully chamber to be built directly "on line" on any drainage pipeline and shall be connected to main drainage pipelines via separate 150mm diameter branch connections. Manhole covers and frames, located in areas subject to vehicular traffic, shall be heavy-duty type to the current IS EN standards. Minimum strength is D400. Only clean uncontaminated water from all hard standing areas, including roofs, within the site shall be discharged to the surface water drainage system. Gully chambers to be lockable and located and constructed in such a manner as to prevent ponding occurring.

(e) All necessary measures, as may be determined by the Planning Authority, shall be taken by the developer/contractor/servants/agents to prevent the spillage or deposit of clay, rubble or other debris on adjoining public roads or footpaths during the course of the development works. The developer shall ensure that all vehicles leaving the development are free from any material that would be likely to deposit on the road and in the event of any such deposition; immediate steps shall be taken to remove the material from the road surface. The developer shall be responsible for the full cost of carrying out of road/footpath cleaning work.

Reason: In the interest of traffic safety and orderly development.

20. Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Resource and Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how construction resources and wastes will be reduced, and as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development.