

File With _____

SECTION 131 FORM

Appeal NO: ABP 319281-24

Defer Re O/H

Having considered the contents of the submission dated received 17/04/2024
from

Applicant I recommend that section 131 of the Planning and Development Act, 2000

be/hot be invoked at this stage for the following reason(s): in the interest of justice

E.O.: Pat B

Date: 30/04/2024

For further consideration by SEO/SAO

Section 131 not to be invoked at this stage.

Section 131 to be invoked – allow 2/4 weeks for reply.

S.E.O.: _____

Date: _____

S.A.O.: _____

Date: _____

M _____

Please prepare BP 70 - Section 131 notice enclosing a copy of the attached submission

to: PA / Appellant / observers^{x7} Task No: 382309-24

Allow 2/3/4 weeks – BP 70

EO: Pat B

Date: 30/04/2024

AA: Anthony McNally

Date: 01/05/2024

File With _____

CORRESPONDENCE FORM

Appeal No: ABP 319281-24

M _____

Please treat correspondence received on 17/04/2024 as follows:

<p>1. Update database with new agent for <u>Applicant</u> Appellant <u>Stephen Peck</u></p> <p>2. Acknowledge with BP _____</p> <p>3. Keep copy of Board's Letter <input type="checkbox"/></p>	<p>1. RETURN TO SENDER with BP _____</p> <p>2. Keep Envelope: <input type="checkbox"/></p> <p>3. Keep Copy of Board's letter <input type="checkbox"/></p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------

Amendments/Comments <u>Applicant response to appeals</u>
<u>21/03/24: 17/04/24 ✓</u>

<p>4. Attach to file</p> <p>(a) R/S <input type="checkbox"/> (d) Screening <input type="checkbox"/></p> <p>(b) GIS Processing <input type="checkbox"/> (e) Inspectorate <input type="checkbox"/></p> <p>(c) Processing <input type="checkbox"/></p>	<p>RETURN TO EO <input type="checkbox"/></p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------

	<p>Plans Date Stamped <input type="checkbox"/></p> <p>Date Stamped Filled in <input type="checkbox"/></p>
EO: <u>Pat B</u>	AA: <u>Fareed pasha</u>
Date: <u>24/04/2024</u>	Date: <u>29/04/2024</u>

A. Buckley

Dillon Corcoran

From: Steven Peck <steven@stevenpeckplanner.com>
Sent: Wednesday 17 April 2024 15:01
To: Appeals2
Subject: ABP-319281-24 - First Party Response to 4 No. Third Party Appeals
Attachments: ABP-319281-24 - First Party Response to 4 No. Third Party Appeals.pdf; Enclosure F - ABP-319281-24 - First Party Response to 4 No. Third Party Appeals.pdf

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

An Bord Pleanála Reference: ABP-319281-24
Louth County Council Planning Reg. Ref.: 2360115

Dear Sir or Madam

On behalf of the Applicant, Hibernia Steel (Manufacturing) Limited, Grangegeeth, Slane, Co. Meath, please find attached First Party Response to 4 no. third party appeals made against Louth County Council's decision to grant permission for the above-mentioned development, subject to 20 conditions.

Please note that the contents of Enclosure F are attached as a separate PDF (as when compiling this we noted it resulted in hidden layers being displayed on the relevant drawings which made them unreadable).

I would be grateful if you would acknowledge receipt of this e-mail.

Yours sincerely,

Steven Peck MRTPI

Steven Peck Chartered Town Planner
11A Blackthorn Business Park, Coes Road, Dundalk, Co. Louth, A91 P489
T: +353 (0)42 941 9400 M: +353 (0)87 395 3816
www.stevenpeckplanner.com



An Bord Pleanála Reference: ABP-319281-24
Louth County Council Planning Reg. Ref.: 2360115

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1, D01 V902.

Steven Peck MRTPI
Chartered Town Planner

11A Blackthorn Business Park, Coes
Road, Dundalk, Co. Louth, A91 P489
www.stevenpeckplanner.com
T: +353 (0)42 941 9400
E: steven@stevenpeckplanner.com

Dear Sir or Madam,

17th April 2024

RE: SECTION 129 RESPONSE TO 4 NO. THIRD PARTY APPEALS AGAINST THE DECISION OF LOUTH COUNTY COUNCIL TO GRANT PLANNING PERMISSION TO HIBERNIA STEEL (MANUFACTURING) LIMITED FOR DEVELOPMENT AT MELL, DROGHEDA, CO. LOUTH.

AN BORD PLEANÁLA REFERENCE: ABP-319281-24

LOUTH COUNTY COUNCIL PLANNING REG. REF.: 2360115

1.0 INTRODUCTION

- 1.1 I am instructed by the Applicant, Hibernia Steel (Manufacturing) Limited, Grangegeeth, Slane, Co. Meath, to submit this First Party Response to 4 no. third party appeals made against Louth County Council's decision to grant permission for the above-mentioned development, subject to 20 conditions. In this regard we acknowledge receipt of An Bord Pleanála's correspondence dated 21st March 2024, and its enclosed copies of the relevant 4 no. third party appeals.
- 1.2 The relevant 4 no. third party appeals, to which this First Party Response is made, are as follows:
- Appeal by Elaine Moore and Barry Mulvany and Greg and Pauline Clarke – referred to in this First Party Response as 'Appeal A'.
 - Appeal by Sadbh de Buitlér-Kearney, Eilís de Buitlér-Kearney and Eugene Kearney – referred to in this First Party Response as 'Appeal B'.
 - Appeal by Killineer and District Residents Association – referred to in this First Party Response as 'Appeal C'.
 - Appeal by Charles Carroll – referred to in this First Party Response as 'Appeal D'.
- 1.3 Within this First Party Response, the grounds of appeal within the 4 no. third party appeals have been organised within a single set of topics to avoid unnecessary duplication of responses. It is made clear which of the 4 no. third party appeals put forward the relevant grounds of appeal and thus which of the appeals are being responded to in any given instance.
- 1.4 This First Party Response is complete with 8 no. enclosures, A-H.

-
- 1.5 This First Party Response includes inputs from other members of the project team, as / where indicated in this first party response.

2.0 GROUNDS OF APPEAL

- 2.1 The grounds of appeal are considered to fall within the following topics, which are addressed in turn in this First Party Response.

1. Zoning Matters
2. Prematurity Pending the Forthcoming Joint Local Area Plan for Drogheda
3. Project Splitting
4. Masterplanning
5. Alternative Locations
6. Cumulative Effects
7. Prematurity in respect of Infrastructure Delivery
8. Transport and Access
9. Sustainable Transport
10. Water Environment
11. Noise
12. Air Quality
13. Landscape
14. Carbon
15. Cultural Heritage
16. Other Matters

3.0 RESPONSE TO GROUNDS OF APPEAL

- 3.1 The key grounds of appeal are considered as set out in summary in this First Party Response, under the topic headers set out in Paragraph 2.1. Responses are provided beneath the summarised grounds of appeal.

Topic 1 – Zoning Matters

Grounds of Appeal

- 3.2 *Appeals A, C and D submit that the proposed development does not accord with the E1 zoning pertaining to the site.*

Response

- 3.3 It is submitted that the proposed development accords with the E1 zoning pertaining to the site, having regard to the following:

- As set out Section 5.31 of the Planning Report accompanying the Application, Louth County Development Plan 2021-2027 ('the Development Plan') Section 13.21.17 sets out that 'Industry General' is a 'generally permitted use' on E1-zoned lands; and that heavy industries are an 'open for consideration use' 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 by Louth County Council. The term 'heavy industry' is not defined in the Development Plan.

- Thus it is submitted that, in the event that An Bord Pleanála considers the proposed development as a relevant 'Industry General', then the proposed development is considered as a 'generally permitted use' on E1-zoned lands, and no further justification in respect of consistency in principle with the zoning should be required.
- In the event that An Bord Pleanála considers the proposed development a relevant 'heavy industry', then An Bord Pleanála is referred to:
 - The detailed planning rationale in respect of development siting set out within Section 5 of the Planning Report accompanying the Application, which includes *inter alia* consideration against Eastern and Midland Region Regional Spatial and Economic Strategy policies for the Drogheda Regional Growth Centre, the Development Plan growth strategy for Drogheda, and Development Plan zoning and masterplanning policies.
 - Louth County Council's Planner's Report No. 2 on the Application which within its Final Assessment (Report p. 11) sets out that 'Having visited the site and reviewed the submitted reports, I am satisfied the proposed location is a suitable one to accommodate / cater for the development with existing road infrastructure in place, served by an excellent road providing access to the M1 and as such, may be 'deemed appropriate to the specific location'.
 - The EIAR accompanying the application, which it is submitted demonstrates that no environmental or amenity concerns should arise.

3.4 Furthermore it is highlighted that the EIAR (including EIAR Addendum Document) accompanying the application sets out details of the consideration of reasonable alternatives in respect of the proposed development, which included detailed consideration of 15 alternative locations for the proposed development, in respect of which it was concluded that none of these alternative locations is a preferable selection to the Application Site, and that it is considered unlikely that that locating the proposed development at any of these alternative locations would result in significantly improved performance in EIA terms by comparison with the Application Site (assuming development at these locations with similar design specification / characteristics to the proposed development).

3.5 In view of the foregoing, in conclusion it is submitted that, whether considered as a relevant 'Industry General', or as a relevant 'heavy industry', the proposed development clearly accords with the E1 zoning pertaining to the site.

Grounds of Appeal

3.6 *Appeal D submits that the proposed development should be unacceptable, on the Appellant's submitted basis that that the qualified open for consideration designation that applies to heavy industry within the E1 zoning contravenes the Development Plans Guidelines.*

Response

3.7 These grounds of appeal appear to be based on a number of interlinked assumptions as set out in Table 1. Our responses to these are set out in Table 1. We trust upon review of this An

Bord Pleanála will agree that these grounds of appeal lack sufficient substance and are consequently wholly unsustainable.

Table 1: Interlinked assumptions on which these grounds of appeal appear to be based (left) and responses (right).

Interlinked Assumptions on which these Grounds of Appeal Appear to be Based	Responses
<i>That the proposed development comprises 'heavy industry' as referred to within Development Plan Section 13.21.17</i>	As set out in Paragraph 3.3, the term 'heavy industry' is not defined in the Development Plan. It is submitted that the proposed development may just as reasonably be considered as 'Industry General' as referred to within Development Plan Section 13.21.17 as it may be considered 'heavy industry' as referred to within Development Plan Section 13.21.17.
<i>That the qualified open for consideration designation that applies to heavy industry within the E1 zoning comprises an 'ambiguous or unclear objective' as referred to within Section 6.2.5 of the Development Plans Guidelines</i>	It is submitted that the relevant qualified designation does not comprise an 'ambiguous or unclear objective' as referred to within Section 6.2.5 of the Development Plans Guidelines. On the contrary, it is submitted that the relevant text 'as deemed appropriate to the specific location' obviously refers to a typical case-by-case planning test of acceptability in respect of siting to be performed by Louth County Council – and which in the case of the proposed development has been performed by Louth County Council with Louth County Council concluding that the proposed development is appropriate to the specific location.
<i>That, due to the Development Plans Guidelines, a 'Special Industry' zoning as referred to within Appendix B of the Guidelines, would need to be introduced into Louth County Council planning policy</i>	It is submitted that it does not follow that, merely because the Development Plan zoning designations do not include a 'Special Industry' zoning, that the Development Plan is in any way unfit to task or inconsistent with the Development Plans Guidelines, which do not set out Special Industry zoning as a requirement, but rather it is included within a set Recommended Standardised Zoning Objectives at Appendix B of the Guidelines, above which is clearly stated that 'It may not be necessary to provide each of the zonings within a particular development plan depending on the strategic policies of the development plan and the context of the relevant planning authority'.
<i>That the proposed development would need to be located within such a 'Special Industry' zoning</i>	It is submitted that – even were the proposed development to be considered as a 'heavy industry' – it does not follow that the proposed development would need to be located within such a 'Special Industry' zoning, were one to exist. It is highlighted in this regard that the Development Plans Guidelines does not state that the purpose of a

	<p>Special Industry zoning is to accommodate heavy industry, or that that heavy industry is to be located within / only within such zonings. For confirmation, Appendix B of the Guidelines sets out the objective of the zoning as 'Provide for specialised industrial development' and the description includes to 'Provide locations specifically for specialised industry associated with environmental emissions, including noise and odour (eg. waste processing, aggregate processing, etc) and with intensive or hazardous processing (eg. Seveso premises) which may give rise to land use conflict if located within other zonings'. It is submitted in this regard that the aim of a Special Industry zoning is clearly to segregate certain rarely occurring and highly undesirable or dangerous uses from other zonings. By contrast it is submitted that the proposed development is a typical representation of industrial development, clearly suited to and in accordance with the E1 zoning pertaining to the site, and would not give rise to any land use conflict with other zonings in the area, and that the EIAR accompanying the application demonstrates that no environmental or amenity concerns should arise.</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

- 3.8 It is highlighted that it is considered that, were these grounds of appeal taken to their logical conclusion, the implication would be that development such as the proposed development should not be permitted anywhere on any zoned lands anywhere in County Louth, or anywhere on any zoned lands in County Meath – which similarly to Louth does not have any 'Special Industry' zoning – or indeed in any other planning authority areas with similar zoning policies to those in place in Louth and Meath. Thus it is submitted that these grounds of appeal are patently absurd.
- 3.9 Finally it is submitted that, in any case, the Development Plans Guidelines (which do not contain any Specific Planning Policy Requirements under Section 28 (1C) of the Planning and Development Act 2000 as amended) do not prevail over Development Plan policy. As per the judgement of the High Court in *Brophy v An Bord Pleanála*¹ 'A development plan is arrived at following a democratic, public consultation process' (paragraph 32) and where there is considered to be a conflict between a development plan and Section 28 Guidelines the '...“solemn and common public contract” contained in the development plan itself must prevail' (paragraph 35).

Topic 2 – Prematurity Pending the Forthcoming Joint Local Area Plan for Drogheda

Grounds of Appeal

- 3.10 *Appeals C and D, respectively, submit grounds of development prematurity, and possible prematurity, respectively, pending the forthcoming Joint Local Area Plan for Drogheda*

¹ [2015] IEHC 433

Response

Appeal C

- 3.11 The grounds of appeal appear as primarily based on the Appellant's belief that the reason the Development Plan does not dictate specific locations for heavy industry is that it is intended by Louth County Council that such policies will be set out in the forthcoming Joint LAP.
- 3.12 We are aware of no factual basis to support this belief held by the Appellant. For example, nowhere in the Development Plan is it stated or indicated that it is Louth County Council's intention to dictate specific locations for heavy industry within the forthcoming Joint LAP.
- 3.13 Furthermore it is highlighted that the assumption that the proposed development comprises 'heavy industry' as referred to within Development Plan Section 13.21.17 is disputable as the term 'heavy industry' is not defined in the Development Plan. It is submitted that the proposed development may just as reasonably be considered as 'Industry General' as referred to within Development Plan Section 13.21.17 as it may be considered 'heavy industry' as referred to within Development Plan Section 13.21.17.
- 3.14 It is submitted that the Appellant has put forward no reasonable basis to presume any significant possibility of relevant changes to local planning policy being made within the forthcoming Joint LAP in respect of which it would be premature to grant permission for the proposed development.
- 3.15 It is submitted that there is no reasonable basis to presume any significant possibility of relevant changes to local planning policy being made within the forthcoming Joint LAP in respect of which it would be premature to grant permission for the proposed development, and that therefore the proposed development is not premature pending the forthcoming Joint LAP.

Appeal D

- 3.16 The grounds of appeal relate to the Appellant's submission, previously discussed in paragraphs 3.6-3.9, that the qualified open for consideration designation that applies to heavy industry within the E1 zoning contravenes the Development Plans Guidelines, and that this should be considered of relevance for the proposed development. The Appellant submits on this basis that relevant changes to local planning policy possibly could be made within the forthcoming Joint LAP in respect of which it would be premature to grant permission for the proposed development.
- 3.17 It is considered as set out in Paragraph 3.7 and Table 1 that the Appellant's submission – that the qualified open for consideration designation that applies to heavy industry within the E1 zoning contravenes the Development Plans Guidelines, and that this should be considered of relevance for the proposed development – is lacking in substance.
- 3.18 In view of this it is submitted that the Appellant has put forward no reasonable basis to presume any significant possibility of relevant changes to local planning policy being made within the forthcoming Joint LAP in respect of which it would be premature to grant permission for the proposed development.

-
- 3.19 It is submitted that there is no reasonable basis to presume any significant possibility of relevant changes to local planning policy being made within the forthcoming Joint LAP in respect of which it would be premature to grant permission for the proposed development, and that therefore the proposed development is not premature pending the forthcoming Joint LAP.

Topic 3 – Project Splitting

Grounds of Appeal

- 3.20 *Appeal C submits that project splitting has occurred because the EIAR does not assess as part of the ‘project’ the effects of IDA Ireland’s plans for completion of the R132 junction and provision of water and wastewater connections between the business park and the Uisce Éireann networks. The Appellant cites O’Grianna v An Bord Pleanála² in this regard.*

Response

- 3.21 It is submitted that project splitting has not occurred. The relevant plans are not assessed as part of the ‘project’ within the EIAR because they do not comprise part of the proposed development – as a matter of fact, in EIA terms, and whether or not considered in light of *O’Grianna*.
- 3.22 In the case of *O’Grianna* it is submitted that the windfarm and grid connection being considered in that case were considered as one project due to their **mutually interdependent** character. It is considered that this is reflected in paragraph 32 the Judgment, within which Peart J. states ‘I have [...] concluded that in reality the wind farm and its connection in due course to the national grid is one project, **neither being independent of the other...**’[our emphasis]. It is submitted that the importance of interdependence is further reinforced by the judgement of the Supreme Court in *Fitzpatrick & Daly v An Bord Pleanála & Others*³, which makes multiple references to the concept, for example at paragraph 49 within which it is set out that ‘The approach in each of *O’Grianna* and *Brown* is dependent upon a finding of fact made that the specific project for which planning permission was granted was functionally or legally **interdependent** on a further development not included in the application for planning permission which have environmental effects and in respect of which no EIA has been carried out’ [our emphasis]. It is also considered that the importance of interdependence is reflected within guidance within Section 4.0 of the Office of the Planning Regulator’s Practice Note PN02 Environmental Impact Assessment Screening – which albeit in relation to EIA screening is considered wholly of relevance to this topic – which sets out, under the heading ‘How does the *O’Grianna* decision affect screening?’, that – ‘Where developments are functionally **interdependent**, such as the grid connection for a proposed windfarm that would have no purpose or function in the absence of the windfarm, it should be considered as a single project for the purposes of EIA’ [our emphasis].
- 3.23 By contrast, the relevant IDA Ireland plans (as with any other plans IDA Ireland may have for infrastructure / works to serve the business park) have purpose and function independent from the proposed development and will be realised whether or not planning permission is granted for the proposed development. As such, the relationship between the proposed

² [2014] IEHC 632

³ [2019] IESC 23

development and the relevant IDA Ireland plans differs fundamentally from that of the windfarm and grid connection considered in *O’Grianna*, which, as already mentioned, were mutually interdependent in character.

- 3.24 It is furthermore highlighted that the guidance within Section 4.0 of the Office of the Planning Regulator’s Practice Note PN02 Environmental Impact Assessment Screening cautions against application of the findings of the judgement in *O’Grianna* to forms of development other than windfarms and other power generation projects, stating ‘It should be noted that the relationship between a windfarm and grid connection differs from other types of development, except for other power generation projects, and the same logic may not be relevant, for example, to electricity or water supply to a housing estate’.

Grounds of Appeal

- 3.25 Appeal C states ‘In its response to the request for further information the developer also revealed for the first time that the project also involves activities at another of its locations in Slane where preparatory steps in the industrial process will take place. This aspect of the project has also been omitted from the EIAR’.

Response

- 3.26 This is a misconstrual of information set out within Section 2.1.1 of the EIAR Addendum Document, the purpose of which was merely to briefly explain that a degree of movement of goods between Hibernia Steel’s existing premises at Grangegeeth, Co. Meath and the proposed development is anticipated (and thus why reasonable proximity to Hibernia Steel’s existing premises is a project objective in respect of location). To reiterate, for information, Hibernia Steel’s activities at its existing facility include steel storage / supply and some steel finishing activities (steel cutting, drilling, shotblasting and painting). It is highlighted that Hibernia Steel currently ships steel elsewhere for galvanising where required, and thus as Hibernia Steel acquires ability to itself galvanise steel naturally some traffic between the facilities is anticipated to arise.
- 3.27 For confirmation, none of Hibernia Steel’s activities at its existing facility comprise any part of the galvanising process.
- 3.28 Furthermore, for confirmation, the existing and proposed facilities will not be mutually interdependent. In this regard for confirmation the proposed development is intended primarily to serve a prospective market for steel galvanising which Hibernia Steel aims to capture; and evidently the well-established existing facility is in operation without the existence of the proposed development and would continue to operate were the proposed development never realised.

Topic 4 – Masterplanning

Grounds of Appeal

- 3.29 *Appeal D sets out a number of objections relating to IDA Ireland’s concept masterplan for the business park, a copy of which accompanied the Application*

Response

- 3.30 In response to this An Bord Pleanála is referred to paragraphs 5.33-5.37 of the of the Planning Report accompanying the Application which concludes that the proposed development accords with relevant Development Plan masterplanning policies, in accordance with advice on relevant requirements received from Louth County Council during pre-planning consultation.
- 3.31 Furthermore it is highlighted that consistency with Development Plan masterplanning policy is considered within Louth County Council's Planner's Report No. 1 on the Application which concludes (Report p. 35) that 'Having reviewed the submitted masterplan, I am satisfied that it is acceptable and accords with the policy of the Louth County Development Plan'.
- 3.32 It is noted the Appellant states that there is no evidence to suggest that IDA Ireland's concept masterplan has been agreed in writing with the Louth County Council. In response to this it is submitted that, by virtue of Louth County Council's Notification of a Decision to Grant Permission, the concept masterplan has been agreed / is in place. Further to this it is highlighted that we are aware of other Louth County Council area examples of the provision / modification of a masterplan via the planning application process, under reg. refs. 15690 and 21299, and we believe there are likely many other such examples.

Topic 5 – Alternative Locations

Grounds of Appeal

- 3.33 *Appeals B, C and D set out a number of objections relating to the consideration of alternative locations for the proposed development detailed within the EIAR (including EIAR Addendum Document) accompanying the application*

Response

- 3.34 It is considered that these grounds of appeal are based entirely upon ill founded opinion / misconstrual of the information within the EIAR (including EIAR Addendum Document).
- 3.35 In response to these grounds of appeal it is submitted that the consideration of alternative locations for the proposed development was comprehensive. We trust that An Bord Pleanála will agree with this following its review of the EIAR (including EIAR Addendum Document).
- 3.36 Furthermore in response to these grounds of appeal it is highlighted that Louth County Council's Planner's Report No. 2 on the Application sets out (Report p. 8) that '...I am satisfied that it has been demonstrated that none of these alternatives are preferable to the proposed site...'

Topic 6 – Cumulative Effects

Grounds of Appeal

- 3.37 *Appeal C states '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'

Response

- 3.38 As set out within Section 1.9 of the EIA accompanying the Application, Directive 2014/52/EU and Schedule 6 to the Planning and Development Regulations 2001 as amended require that EIAs contain a 'description of the likely significant effects of the project on the environment resulting from the cumulation of effects with other **existing and / or approved projects**' [our emphasis], and, in relation to this criterion, the Checklist for Information Required to Describe Effects at Table 3.5 of the Environmental Protection Agency Guidelines on the Information to be Contained in Environmental Impact Assessment Reports includes that the EIA should have 'considered cumulative effects due to cumulation of effects with those of other projects that are **existing or are approved but not yet built or operational**' [our emphasis]. A relevant assessment in line with these requirements is included in each of the relevant EIA chapters 4-13.
- 3.39 With respect to existing developments, in summary, effects arising in respect of existing developments are considered within the assessment of the receiving environment, and as such are considered cumulatively with the effects of the proposed development. With respect to approved developments, in summary, a search was undertaken for approved developments, but not yet built or operational, of relevance to the consideration of cumulative effects, and none were identified.
- 3.40 With respect to permission Reg. Ref.: 18822, this permission has recently lapsed and is thus no longer an approved development. This is a historic permission which predates IDA Ireland's acquisition of the lands. Our understanding is that IDA Ireland has never had intention for this to be implemented, hence this permission was identified as having no prospect of becoming built or operational, and thus of no relevance to the consideration of cumulative effects.
- 3.41 With respect to IDA Ireland's concept masterplan drawing, this is a conceptual representation only of the future business park. As previously mentioned, the legislation requires cumulative assessment only in respect of existing and / or approved projects. Notwithstanding this, when preparing the EIA Boylan Consulting considered whether it would be practically possible to provide an assessment of the future business park on the basis of this conceptual representation, and concluded that this was not possible. In this regard it is highlighted that our understanding is that (apart from the proposed development) the future buildings / uses indicated on the drawing are wholly conceptual, i.e. they are ideas only, and not proposals. Actual buildings / uses would differ as actual investment proposals come forward and are accommodated on the lands. As such it was considered that assessment was not practically possible, and also that any attempt to do so would be likely to overestimate and / or underestimate effects and thus be counterproductive in terms of the principles and purposes of the EIA Directive.

Topic 7 – Prematurity in respect of Infrastructure Delivery

Grounds of Appeal

- 3.42 *Appeal D submits that the proposed development is premature pending the provision of road and water / wastewater infrastructure*

Response

- 3.43 It is considered that the proposed development is not premature in respect of infrastructure delivery. It is considered that that prematurity in respect of infrastructure delivery arises in cases where (a) there are known plans to provide the infrastructure (given that if there were no such plans, then development would simply be inappropriate on the basis that it was not served by necessary infrastructure) – and (b) such plans are at such an early / formative stage that granting permission for the development could prejudice such plans, or it isn't yet known whether such plans would in fact serve the development; and / or (c) a very long period is anticipated before the necessary infrastructure would be in place⁴.
- 3.44 By contrast, in the case of the proposed development, as referred to in the Planning Report, EIAR and IDA Ireland letter accompanying the Application, IDA Ireland clearly has a project for delivery of the requisite infrastructure to serve the business park.
- 3.45 Please note also that 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 (and it is noted that plans / specifications for these items are requested within Louth County Council's Further Information Request on IDA Ireland's planning application Reg. Ref.: 2360388).
- 3.46 IDA Ireland recently provided an update to us in relation delivery of water / wastewater connections for business park the and has provided a copy of an e-mail to IDA Ireland from Uisce Éireann for inclusion in this First Party Response, which is included as Enclosure G.
- 3.47 Thus in view of the foregoing it is considered that, (a) there are known plans to provide the requisite infrastructure to serve the business park, (b) these plans could not be prejudiced by granting permission for the proposed development, and (c) the necessary infrastructure would be in place within a suitable period of time, and thus that the proposed development is not premature in respect of infrastructure delivery.

Topic 8 – Transport and Access

Grounds of Appeal

- 3.48 *Appeal B submits that 'extra-long' lorries traffic would be generated by the proposed development*

Response

- 3.49 The Applicant has advised that all loads would be accommodated on regular HGVs or smaller, that no abnormal loads would be required, and that for confirmation, the size of the galvanising bath limits lengths to a maximum of 14.5 metres, which can be accommodated on a regular HGV.

Grounds of Appeal

- 3.50 *Appeal D states '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*

⁴ Latter principle (c) derived from guidance within Section 7.3.5 of the Development Management Guidelines

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.'

Response

3.51 PMCE advises as follows:

'The Traffic and Transport Assessment must make certain assumptions in relation to trip movements entering and exiting the proposed development. These assumptions are based on information provided by the developer, such as staff numbers, tonnage of material being processed at the plant, miscellaneous trips, and the type and size of vehicles making those trips. In undertaking the capacity analysis, the TTA makes a conservative assessment, in that it assumes all trips generated by the development shall take place in the AM and PM peak hour (i.e. the hours which experience the highest traffic volumes). This is a conservative assumption, as traffic will typically be distributed throughout the day, and not in the busiest morning and evening peak hours.

This conservative approach is adopted to accommodate any unknown variations in trip numbers or vehicle composition, and is intended to provide greater confidence in the modelling results. However, to address any concerns in relation to underestimating trip movements, PMCE has subsequently undertaken a sensitivity assessment, which modelled a scenario where twice the number of construction and operational trip movements are generated by the proposed development. The results of this sensitivity assessment confirm that, as reported in the TTA, the proposed development's impact on existing and future traffic movements has been determined to be negligible.'

Grounds of Appeal

3.52 *Appeal C objects in relation to Condition 19 (a) of Louth County Council's Notification of a Decision to Grant Permission*

Response

3.53 Condition 19 (a) of Louth County Council's Notification of a Decision to Grant Permission (a) requires a drawing for agreement displaying visibility sightlines from the business park access onto the R132; and (b) advises that the parent application Reg. Ref.: 071435 / An Bord Pleanála Ref.: PL15.228184 indicated that an element of embankment re-grading was required to achieve forward visibility on the R132 on the east side approaching the business park.

3.54 This was passed to PMCE to review. In respect of the requirement for a drawing displaying visibility sightlines from the business park access onto the R132, PMCE advises:

'Drawings P22181-PMCE-ZZ-XX-DG-CR-001 & 002 (enclosed) confirm that 215m is available in both the north and south directions, at a point 3m back from the junction (in compliance with TII Publication DN-GEO-03060, section 5.6.3), and at a point 4.5m back from the junction (in compliance with Table 13.13 of the Louth County Council Development Plan, 2021-2027).'

3.55 The relevant drawings are included within Enclosure F.

- 3.56 In respect of potential embankment re-grading, as it was unknown whether the relevant works were completed in accordance with Permission Reg. Ref.: 071435 / An Bord Pleanála Ref.: PL15.228184, PMCE reviewed and advises:

'At the current time, to achieve 215m SSD to a stationary vehicle on the R132, a small area of overgrown vegetation (up to 100m²) will need to be cut back and maintained on the eastern side of the R132. No earthworks are required to the embankment's existing profile. See drawings P22181-PMCE-ZZ-XX-DG-CR-003 and P22181-PMCE-ZZ-XX-DG-004 (Rev 1.0), which are enclosed. Note the relevant land is in Louth County Council's ownership and thus it is assumed that this vegetation is cut back appropriately periodically by Louth County Council. The Applicant will contact Louth County Council and request this is addressed.

It is understood following recent information on IDA Ireland's plans for completion of the business park / R132 junction that this will include a right turn lane for southbound drivers wishing to enter the business park (and it is noted that plans / specifications for these items are requested within Louth County Council's Further Information Request on IDA Ireland's planning application Reg. Ref.: 2360388). Whilst this would be expected to offer greater protection for right turning traffic, the introduction of a right turn lane will push the southbound general traffic lane further east, which may compromise SSD for southbound traffic on the R132. To understand the impact of a future right turn lane on SSD in the general traffic lane, a sightline was extended between a point 215m north of the side road access, and a point 1.5m (i.e. half the width of a traffic lane) from the existing edge of pavement on the R132, which represents the location of the revised general traffic lane adjacent the side road junction. As can be seen in drawing P22181-PMCE-ZZ-XX-DG-004 (Rev 2.0), the introduction of a right turn lane would require minor re-profiling of the embankment slope to the east of the R132. This point was also acknowledged in a drawing submitted as part of the parent application Reg. Ref.: 071435 / An Bord Pleanála Ref.: PL15.228184 in 2007 (as part of which a right turn lane was proposed / approved), which is enclosed herewith. Minor re-profiling of the embankment slope, and removal of overgrown vegetation would need to be undertaken if a right turn lane was constructed in the future. These are minor works, that would be undertaken in Local Authority Lands'.

- 3.57 The relevant drawings are included within Enclosure F.
- 3.58 It is anticipated that IDA Ireland's project for completion of the business park / R132 junction would include all such works as may be necessary. PMCE's assessment has been passed to IDA Ireland for review (at the time of writing a response had not yet been received).
- 3.59 To give further assurance in this matter, the Applicant invites An Bord Pleanála to attach a condition to a grant of planning permission requiring completion of these vegetation cutting / maintenance and embankment re-profiling works if not already completed as part of IDA Ireland's project for completion of the business park / R132 junction. As all relevant lands are in Louth County Council's ownership (see Figure 1), it is considered there is no legal impediment to the completion of the works.
- 3.60 Furthermore it is submitted that there is clear precedent for such a condition, by virtue of Condition 2.2 of the aforementioned parent permission Reg. Ref.: 071435 / An Bord Pleanála Ref.: PL15.228184.

Fig. 1: Extract from Land Development Agency state lands database mapping demonstrating that any relevant vegetation cutting / maintenance and embankment re-profiling works would be located on land in the ownership of Louth County Council (shown in orange).



Topic 9 – Sustainable Transport

Grounds of Appeal

- 3.61 *Appeal D sets out a number of objections to the proposed development on sustainable transport grounds*

Response

- 3.62 It is submitted that the proposed development accords with relevant policies on sustainable transport:
- 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 (and it is noted that plans / specifications for these items are requested within Louth County Council's Further Information Request on IDA Ireland's planning application Reg. Ref.: 2360388).
 - South of the N51 (Rosehall) roundabout, the R132 already includes stretches of protected segregation for cycles, on both sides, over a distance of approximately 800 metres as far as its junction with Cement Road, which will facilitate cycle traffic between the proposed development and Drogheda town centre / other points south.

- Further to this it is highlighted that Preferred Options for Louth County Council's Drogheda Active Travel Schemes Phase 3 were recently made subject to public consultation and as shown within Enclosure H these include proposals for new cycle track / footpath provision along the N51 and R168 south of the site, which would facilitate sustainable transport connectivity between the proposed development and points west / south-west, including the M1 Retail Park.
- As set out within Paragraph 5.36 of the Planning Report accompanying the Application, IDA Ireland's concept masterplan accompanying the Application indicates that IDA Ireland intends to explore delivery of a bus stop to serve the business park, and it is noted that Bus Eireann route 100 Dundalk-Drogheda runs along the R132 at this location, which if serving this bus stop could provide bus connectivity to locations including Drogheda town centre, Dundalk Institute of Technology and Dundalk town centre).
- Furthermore it is anticipated that sustainable transport connectivity in the area will continue to improve in tandem with Louth County Council's plans for significant new development on the north side of Drogheda, as set out within Development Plan policy, the North Drogheda Environs Masterplan and as supported by the North Drogheda Development Contribution Scheme.
- A Workplace Travel Plan has been prepared in respect of the proposed development by PMCE and accompanied the Application. This is considered as comprehensive and high quality.

Grounds of Appeal

- 3.63 *Appeal D sets out a number of objections in relation to the Workplace Travel Plan accompanying the application*

Response

- 3.64 It is submitted that the Workplace Travel Plan is wholly consistent with the requirements of Development Plan Section 13.16.13 - Workplace Travel Plans. It is submitted that this is reflected within Louth County Council's analysis of the Workplace Travel Plan set out within its Planner's Report No. 2 on the Application which concludes (Report p. 10) 'I have reviewed the report submitted and consider it comprehensive. The proposal complies with the section 13.16.13 of the Louth County Development Plan which seeks to reduce the demand for the car by increasing the attractiveness of alternative modes of transport and promote a modal shift toward public transport, walking and cycling in addition to car sharing'.
- 3.65 It is also highlighted as set out in Paragraph 3.62 that there are plans being brought forward by IDA Ireland for sustainable transport infrastructure to serve the business park, and by Louth County Council for new sustainable transport infrastructure in the local area, and that this infrastructure will support the performance of the proposed development in sustainable transport terms.

Topic 10 – Water Environment

- 3.66 Please refer to Enclosure A prepared on behalf of the Applicant by Envirologic.

Topic 11 – Noise

- 3.67 Please refer to Enclosure B prepared on behalf of the Applicant by Fitzsimons Walsh Environmental.

Topic 12 – Air Quality

Grounds of Appeal

- 3.68 *Appeal A sets out the Appellant's concerns in relation to emissions from the proposed development*

Response

- 3.69 A detailed assessment in respect of air quality has been carried out by Dr. Brian Sheridan B.Sc. (Hons), M.Sc. Eng. Ph.D. Eng., as detailed in Chapter 11 of the EIAR accompanying the Application, and An Bord Pleanála is referred to this.
- 3.70 It is highlighted that it is set out within Section 11.6.2 of the EIAR that emission levels as a result of the operation of the proposed plant will not result in air quality impact above the stated Irish and European assessment criteria limits and guidelines.

Grounds of Appeal

- 3.71 *Appeal A states 'Also, to note that from research, the smell produced from galvanising is Sulphur (rotten egg) resulting in another hugely adverse living condition for us.'*

Response

- 3.72 Odour Monitoring Ireland (Dr. Brian Sheridan B.Sc. (Hons), M.Sc. Eng. Ph.D. Eng.) advises that the manufacturer / supplier of the galvanising plant / machinery has confirmed that there will be no sulphur or sulphuric acid odours emanating from the proposed plant, and in addition that there will be no sulphur or sulphuric acid used within the plant.

Grounds of Appeal

- 3.73 *Appeal C submits that detail is currently lacking in respect of the 'scrubber and / or filters'*

Response

- 3.74 This is taken as referring to the acid vapour scrubber and white fumes (dust) filter referred to in the EIAR. Should An Bord Pleanála consider any further detail necessary, see below details which were provided by the manufacturer / supplier of the galvanising plant / machinery.

Acid Vapour Scrubber

'From the bottom tank of the scrubber the washing water continuously circulates in counter flow with the vapours over a packed bed. The washing water absorbs the acid, and the wetted clean air is being released to the environment. This process is controlled by a pH

meter. This system needs to be calibrated once every week. Once every year, the packed bed in the scrubber needs to be cleaned'.

White Fumes Filter

'The filter housing contains filter bags. These bags are continuously coated by a pre-coat of Ca(OH)₂. This precoat protects the filter bags and increases the efficiency of the filtration. Periodically the filter bags are automatically cleaned by a compressed air back pulse. The Ca(OH)₂ precoat and contaminants are collected at the bottom of the filter and collected in a big bag. This system consumes Ca(OH)₂ -powder and this has to be refilled when empty, the same for the big bag, when full it needs to be replaced. Every 5-6 years the filter bags have to be replaced'.

Topic 13 – Landscape

Grounds of Appeal

- 3.75 *Appeal D submits that the proposed development would impact on the setting of the rural environs of the site*

Response

- 3.76 A detailed assessment in respect of landscape has been carried out by Pete Mullin, BA (Hons) CMLI, MILI Chartered Landscape Architect, as detailed in Chapter 12 of the EIAR accompanying the Application, and An Bord Pleanála is referred to this.
- 3.77 It is highlighted that it is set out within Section 12.5.3 of the EIAR that '...with Medium-Low landscape sensitivity combined with Medium magnitude of change it is considered that the proposal development would initially generate a Moderate impact on the landscape character area during the post construction phase, however this typically would diminish over time. NOTE: As proposed screening planting matures landscape impact is expected to diminish to Minor'. It is submitted that this should be entirely acceptable in the planning context of the proposed development, noting in particular its location on E1-zoned lands.

Grounds of Appeal

- 3.78 *Appeal C sets out a number of objections relating to the relevance of the Louth Landscape Character Assessment, in view of its age, for use in the EIAR*

Response

- 3.79 Please refer to Enclosure C prepared on behalf of the Applicant by Mullin Design Associates.

Topic 14 – Carbon

- 3.80 Please refer to Enclosure D prepared on behalf of the Applicant by Boylan Consulting.

Topic 15 – Cultural Heritage

Grounds of Appeal

- 3.81 *Appeal D submits that the proposed development would impact on the setting of Killineer House and Gardens.*

Response

- 3.82 A detailed assessment in respect of cultural heritage has been carried out by Dr. Charles Mount, as detailed in Chapter 6 of the EIA accompanying the Application, and An Bord Pleanála is referred to this.
- 3.83 EIA Section 6.5.2 sets out that 'No indirect impacts on any known items of archaeology, cultural heritage or buildings of heritage interest in the application area or the vicinity during the operational stage have been identified by the assessment'. EIA Table 6-1 sets out that that there would be no impacts on the protected structures 'Killineer House', 'Killineer House Gate Lodge' or 'Killineer House Summer House'.

Topic 16 – Other Matters

Grounds of Appeal

- 3.84 *Appeal C raises objection relating to the HSA's submission / observation on the Application*

Response

- 3.85 Please refer to Enclosure E prepared on behalf of the Applicant by Boylan Consulting.

Grounds of Appeal

- 3.86 *2 no. articles are appended to Appeal B which Appeal B submits should be of relevance in An Bord Pleanála's consideration of the proposed development*

Response

- 3.87 Boylan Consulting advises that has reviewed these and identified no information it considers should be of relevance in An Bord Pleanála's consideration of the proposed development.

4.0 CONCLUSIONS

- 4.1 This statement and enclosures comprises a response on behalf of the Applicant, Hibernia Steel (Manufacturing) Limited, to 4 no. third party appeals made against Louth County Council's decision to grant permission, subject to 20 conditions, for development at Mell, Drogheda, Co. Louth.
- 4.2 We trust that An Bord Pleanála will have regard to the content of this First Party Response and concur that the grounds of appeal have been suitably addressed.
- 4.3 We trust that An Bord Pleanála will uphold Louth County Council's decision and grant permission for the proposed development.

Yours faithfully,

Steven Peck, Chartered Town Planner

Steven Peck, BA (Hons), MA, MRTPI

Address: 11A Blackthorn Business Park, Coes Road, Dundalk, Co. Louth, A91 P489.



RTPI

Chartered Town Planner

Enclosure A

ENVIROLOGIC

HYDROGEOLOGICAL · HYDROLOGICAL CONSULTING

Envirologic Ltd.,
Robertson House,
Unit 49 Baldoyle Industrial Estate,
Baldoyle,
Dublin 13,
D13 H2N2
01 832 2176
087 202 4695
info@envirologic.ie

17th April 2024

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1, D01 V902.

RE: SECTION 129 RESPONSE TO 4 NO. THIRD PARTY APPEALS AGAINST THE DECISION OF LOUTH COUNTY COUNCIL TO GRANT PLANNING PERMISSION TO HIBERNIA STEEL (MANUFACTURING) LIMITED FOR DEVELOPMENT AT MELL, DROGHEDA, CO. LOUTH.

AN BORD PLEANÁLA REFERENCE: ABP-319281-24

LOUTH COUNTY COUNCIL PLANNING REG. REF.: 2360115

RESPONSE TO GROUNDS OF APPEAL CONSIDERED AS FALLING WITHIN TOPIC OF WATER ENVIRONMENT

Introduction

This enclosure is prepared on behalf of Applicant, Hibernia Steel (Manufacturing) Limited, and comprises part of its First Party Response to the following 4 no. third party appeals made against Louth County Council's decision to grant permission for the above-mentioned development, subject to 20 conditions:

- Appeal by Elaine Moore and Barry Mulvany and Greg and Pauline Clarke – referred to in the First Party Response as 'Appeal A'.
- Appeal by Sadbh de Buitléir-Kearney, Eilís de Buitléir-Kearney and Eugene Kearney – referred to in the First Party Response as 'Appeal B'.
- Appeal by Killineer and District Residents Association – referred to in the First Party Response as 'Appeal C'.
- Appeal by Charles Carroll – referred to in the First Party Response as 'Appeal D'.

This enclosure provides responses to grounds of appeal considered as falling within the topic of Water Environment.

It is made clear which of the 4 no. third party appeals put forward the relevant grounds of appeal and thus which of the appeals are being responded to in any given instance.

Response to Grounds of Appeal

The key grounds of appeal are considered as set out in summary below. Responses are provided beneath the summarised grounds of appeal.

Grounds of Appeal

Appeal A sets out the Appellant's concerns in relation to impact on the water quality of the Appellant's private well, which is stated as located in proximity to the west of the proposed development site.

Response

Figure 8-8 of the EIAR presented a groundwater contour map which demonstrated that groundwater flow direction beneath the site and nearby residential properties is broadly from north to south-southwest. A very localised groundwater flow direction of northwest to southeast could be interpreted through the site itself. The groundwater contour map was compiled using groundwater levels taken from six groundwater wells, with a sufficient areal distribution to aid triangulation.

As stated in EIAR Section 8.4.15 there are no third party dwellings downgradient of the main building. All industrial activity, including storage of hazardous materials, will be inside the main building. Design measures will deal with the unlikely potential for spillages within the main building; such measures will avail of Best Available Techniques (BAT) to prevent groundwater and surface contamination. These measures shall be reviewed by the EPA as part of the statutory licensing phase. Hence there is no pathway for contaminants from proposed activities in the main building to reach third party wells.

There will be no groundwater abstractions that could dynamically alter groundwater flow direction at a local scale. There are no active discharges to ground.

Hence there will be no impact to third party wells in the area.

Grounds of Appeal

Appeal A sets out the Appellant's concerns in relation to impact on the water quality of two reservoirs in the area as well as an aquifer.

Response

The presence of two reservoirs in the area was noted in Section 7.4.1 of the EIAR. As part of the consultation process a scoping letter was sent to UisceÉireann. A response was not received from UisceÉireann.

It is understood that the Rosehall Reservoir, 130 m to the east was decommissioned in 2015. It is understood that Killineer Reservoir, 600 m to the north, stores water sourced from the Drybridge Public Water Supply Scheme.

Figure 8-8 of the EIA presented a groundwater contour map which demonstrated that groundwater flow direction beneath the site and nearby residential properties is broadly from north to south-southwest. A very localised groundwater flow direction of northwest to southeast could be interpreted through the site itself. The groundwater contour map was compiled using groundwater levels taken from six groundwater wells, with a sufficient areal distribution to aid triangulation.

Neither of the reservoirs are considered to be downgradient of the site. Hence there is no groundwater flow pathway by which contaminants from on-site activities can reach these UisceÉireann reservoirs. The reservoirs are storage devices and as such they do not have a zone of contribution.

A description of the underlying poorly productive bedrock aquifer (PI) was noted in Section 8.4.2 of the EIA. The bedrock has low permeability and in these aquifers the majority of groundwater flow occurs in the upper 3 m; groundwater flowing in fractures does not typically occur below 10 m. Transmissivity is also low which means not all recharge will reach the bedrock aquifer. The rejected portion will subsequently flow to the nearest surface water bodies. Dry weather flows for this type of aquifer are very low which can indicate that the aquifer does not have sufficiently large storativity to maintain summer flows. Drainage density calculations in this area suggest a high figure of 0.96 km/km², this implies the maximum flow path length along the aquifer can maintain is in the region of 500 m (GSI, 2004). This information suggests there is little to no hydrogeological connectivity between the site and the UisceÉireann reservoirs.

The EIA outlines how site layout design, proposed activities and mitigation measures have all been incorporated to ensure that risk of contamination to the bedrock aquifer is negligible. All industrial processes will take place within a sealed building. All aspects of the design and construction of the proposed development are in-line with modern standards. The proposed development will be subject to a separate application to the Environmental Protection Agency (EPA) for an Industrial Emissions (IED) licence. Therefore, the proposal will be further assessed by the EPA against Best Available Techniques for the industry. The implementation of the conditions of the IED will ensure that, following construction, the facility is maintained in accordance with best practices. Controls likely to be implemented by the developer and as part of the licence requirements may include, but not limited to, regular bund and pipeline assessments, groundwater monitoring, air emissions monitoring, preparation of Environmental Liability Risk Assessment and Closure Plan, Emergency Response Planning.

Grounds of Appeal

Storm water drainage for the proposed development is proposed in part via infiltration within the site. Appeal C submits that this should not be allowed.

Response

All aspects of the stormwater management approach have been clearly presented EIA Chapter 8 and Drawing No. C216-DR-BCON-C-101. As outlined in EIA Section 8.6 there are two distinct approaches towards management of rainfall-runoff within the site and selection of each has been influenced by subsoil permeability properties and contamination risk factors. Site drainage has been broadly divided

into two separate networks which drain northwards and southwards, hence the referral in the EIAR to the northern portion and the southern portion.

The northern portion of the site includes a staff/visitor car park, HGV/trailer parking, EV charging points, bicycle parking, an office building, a weighbridge, bunded fuel storage and LPG tanks. Car parking is considered to pose negligible risk in terms of groundwater contamination and, in line with SuDS principles permeable paving (car parking) and gravel hardcore (HGV parking), have been proposed on areas deemed to have a negligible risk of hydrocarbon spillage. A level overflow pipe will be installed within the permeable paving subbase to convey excess flows to the main surface water pipe network.

The risk of spillages is deemed to be higher on frequently trafficked areas and for this reason internal roads providing access to parking spaces and other areas are to be surfaced with asphalt paving and concrete hardstanding. In this regard the pathway for potential contaminants from heavily trafficked areas (these being hydrocarbons in the form of petrol/diesel/oil spillage from vehicles) to reach potential groundwater receptors has been severed. All of this rainfall-runoff will pass through a hydrocarbon interceptor before being attenuated and directed either towards an infiltration blanket to facilitate recharge (northern area), or to the local surface water network (southern area). This is in line with SuDS principles.

Manholes downstream of the hydrocarbon interceptors can be constructed for use as sampling chambers. This will facilitate monitoring of runoff entering unsaturated subsoil or receiving surface waters.

Grounds of Appeal

Appeal C submits that no mitigation is proposed for uncontrolled discharged or incidental spillages in the northern portion of the site.

Response

Stormwater management across the site is described in EIAR Section 8.6 and clearly illustrated in Drawing No. C216-DR-BCON-C-101.

The northern portion of the site includes a staff/visitor car park, HGV/trailer parking, EV charging points, bicycle parking, an office building, a weighbridge, bunded fuel storage and LPG tanks.

In line with SuDS principles ground surface at areas designated for car parking and HGV parking shall be permeable paving. The risk of uncontrolled discharges from parked cars and parked HGVs is negligible.

Spill kits are provided on site and in the event of an incidental spillage on a permeable parking area appropriately-trained site operators will use appropriate absorbent pads to capture hydrocarbons.

The raw steel being imported to the site and the galvanised steel leaving the site is not considered to be a potential source of groundwater contamination. Raw steel and galvanised steel will be temporarily stored on gravel hardcore.

Haulage trucks delivering untreated steel, or collecting galvanised steel will not traffic across the gravel storage area but rather will remain on the impermeable concrete surfaces for loading/unloading.

In terms of the primary process there is no potential for mobile hazardous materials to be stored outside. Once 'galvanising' is complete, the steel is removed from the kettle, this is the start of the quenching process. The zinc begins solidifying as it is removed from the bath. Any excess molten zinc is allowed to drip back into the kettle. The product is further quenched in ambient air (thinner products) or by dipping in de-ionised water (thicker products). All zinc is fully solidified at this stage. There is sufficient heat in the steel after quenching to dry the product. Only after quenching is the steel removed from the processing building for (i) direct transfer off-site or (ii) outdoor storage. The system is fully controlled and automated. Galvanised metal is dry upon leaving the main building and is considered inert in terms of its potential to contaminate groundwater or surface water.

On the permeable storage areas it is proposed that the machinery in use will be diesel-powered forklifts. However, in response to appellant's concerns the applicant will aspire to use electric-powered forklifts on these areas.

Delivery of chemicals for use in the galvanising process will be carried out by licensed third party contractors in line with best practice. These chemicals are delivered directly to the internal area of the main building where they are placed for storage on bunds which are appropriately sized and subjected to regular integrity assessments. Appropriately trained members of staff will be on-site to supervise all imports and exports. In the extremely unlikely of a significant, uncontrolled spillage event on the hardstanding area the site supervisor can manually activate the shut-off valve to prevent potentially contaminated waters from infiltrating to ground or being released to surface waters.

Grounds of Appeal

Appeal C that detail is currently lacking in respect of the operation of the proposed shut off valves within the storm water drainage infrastructure

Response

As outlined in EIR Section 8.6 shut-off valves shall be installed on the storm water management systems as provided for in Proposed Drainage Layout Drawing No. C216-DR-BCON-C-101.

Automatic shut-off valves with a manual override will be used at the site. These can be programmed to (i) engage as soon as the fire alarm is activated, and/or (ii) automatically engage upon detection of hydrocarbons. Automatic shut-off valves shall be appropriately inspected, maintained and tested as required. The most suitable make/model will be specified as part of the EPA licensing process.

Grounds of Appeal

Appeal C submits that no mitigation measures have been provided for construction works below the groundwater level

Response

A shallow mound is present on existing site topography. This means that construction works require a minor element of cut and fill to provide a level base for the proposed building.

Borehole logs for BH5 and BH6 showed presence of CLAY or very clayey GRAVEL in the upper 4.3 m at BH06 and in the upper 7 m at BH05. These strata are of low permeability and prone to a perched water table. Where a minor face is excavated against low permeability subsoil there may be some minor seepage of this perched groundwater.

The presence of groundwater within 1.16 m of surface on what is an elevated site suggests infiltration rates near the surface are low and that runoff rates in this area are high. The low permeability of these soils is also reflected in a hydraulic gradient that mimics surface topography. The volume of perched water stored in these low permeability clays is negligible and can be dealt with using standard construction methodologies in the same way that rainfall-runoff will be managed during the construction phase. The high density of drainage channels in the area would suggest that drawdown towards exposed faces will be negligible. The low permeability and lack of storativity means that upon exposure seepage of perched groundwater will be localised, i.e. within a few metres of the exposure. This is demonstrated by the fact that perimeter roads and dwellings which are below the groundwater levels on the site are not inundated.

The proposed hydrocarbon interceptors are to be installed below ground level. Over time the low permeability subsoil is likely to become saturated with perched groundwater. This does not affect the efficacy of the hydrocarbon interceptors.

A concrete attenuation tank design was selected to prevent ingress of shallow groundwater which could thereby reduce available capacity in this device were it unlined. Over time the low permeability subsoil is likely to become saturated with perched groundwater. This does not affect the efficacy of the concrete attenuation tank.

During construction phase working contours shall be such that no waters can leave the site in an uncontrolled manner. All rainfall-runoff leaving the construction site will pass through temporary silt ponds prior to leaving the site.

Grounds of Appeal

Appeal C submits that EIAR baseline information in relation to Water is currently lacking in respect of: a survey of third party wells, characterisation of groundwater and surface water bodies, a 'hydrological conceptual model', 'receptor sensitivity analysis', identification of 'quality elements' of waterbodies and identification of 'specific measures in the water framework programme of measures'.

Response

Groundwater and surface water bodies were characterised in Sections 8.4.8 and 8.4.10 of the EIAR, respectively. In response to the appellants concerns supplementary details have been provided below.

There is no abstraction of surface waters or active discharge to surface waters. Attenuated rainfall-runoff is to be released to surface waters at greenfield runoff rates in accordance with SuDS principles, or infiltrate to ground. With the exception of washdown water there is no significant usage of water proposed in any of the activities. All flowpaths have been demonstrated in the drainage management plan. Beyond management of rainfall-runoff there is no abstraction or discharge of water to or from the underlying aquifer, or to or from the local surface water network. A hydrological conceptual model was therefore not provided. It is not a requirement of EIAR.

A receptor sensitivity analysis has been provided in the EIAR in Section 8.5: Impacts of the development, under Tables 8-5, 8-6, 8-7 and 8-8. Column 4 of Table 8-9 is clearly titled 'Importance of attribute/Sensitivity of receiving environment'. As per the EIAR guidelines (EPA, 2022) the impact assessment addressed the likely significant impacts. Separate concerns of statutory consultees, the local authority and local stakeholders have also been addressed.

Qualitative status of the receiving WFD waterbodies and WFD actions for the forthcoming WFD cycle are discussed below.

Grounds of Appeal

Appeal D submits that assessment in the Application in relation to groundwater is inadequate, having regard to the content of a submission / observation made at Further Information stage by Niamh and Thomas Vainio-Mattila.

Response

Concerns expressed by various appellants have been responded to and addressed in this document. Groundwater sampling was performed on two separate occasions at the on-site boreholes. Interpretation of the results of groundwater sampling was discussed in EIAR Section 8.4.20.

Most of the appellants concerns are based on an assumption that groundwater contamination will occur at this type of development.

The proposed activity will be subject to the granting of an appropriate license by the EPA, and adherence to the conditions set out in same. This requires adoption of Best Available Technique (BAT) which will be incorporated as part of this new, purpose-built and modern facility.

Groundwater wells were drilled to penetrate shallow groundwater. Samples were retrieved from this strata, this being the more relevant baseline characterisation for groundwater quality.

As stated elsewhere in this response the primary activity occurs within a sealed building underlain by a competent concrete floor. There is no pathway for hazardous chemicals to enter the poorly productive bedrock aquifer. Under these circumstances installing monitoring boreholes to confirm depth to bedrock and to penetrate the bedrock aquifer was not deemed necessary to establish baseline hydrogeological conditions.

Grounds of Appeal

Appeal C submits that no analysis has been provided to demonstrate compliance with [Art. 4 of] the Water Framework Directive.

Response

Groundwater and surface water bodies were characterised in Sections 8.4.8 and 8.4.10 of the EIAR, respectively. To appease the concerns of the appellant further supplementary details are provided below.

The site lies within the Wilkinstown Groundwater Body, which has an area of 200 km² and extends 22 km to the west as far as Wilkinstown and Navan while wrapping around to the north of Drogheda. The northern and southern limits in the centre are approximately 9 m wide, between Collon and Slane, respectively. The western and southern extents broadly coincide with the Lower Palaeozoic rocks in the area.

The following items in the Wilkinstown groundwater body (GWB) report (GSI, 2004) are cited below as they may be of relevance to this study:

- *In such low permeability rocks it is considered that the majority of groundwater flow will occur in the upper 3 m, and groundwater flow in fractures does not typically occur below 10 m.*
- *There has been no hydrogeological investigation in the area since it has been considered a poor location for groundwater development. It is presumed the transmissivity of the rocks is low and there is secondary evidence (drainage densities, dry weather flow values) that the storativity in the aquifer is also low.*
- *Not all of the potential recharge will reach the water table, as some will be rejected because the permeability of the rocks is low. The rejected recharge will runoff to the nearest surface water bodies. This accounts for the high drainage density seen in this area.*
- *Dry weather flows for the aquifer are very low. This indicates that the aquifer does not have a large storativity to maintain summer flows.*
- *Drainage density calculations in this area suggest a high figure of 0.96 km/km², this implies the maximum flow path length along the aquifer can maintain is in the region of 500 m.*
- *Surface water and groundwater are closely linked on a local level within a short time frame.*

The Wilkinstown Groundwater Body (IE_EA_G_010) is At Risk of not meeting its WFD objectives under the 3rd cycle of the WFD by 2027. Groundwater Body Status for the period 2016 – 2021 was classified as being Poor with respect to chemical status and Good with respect to Quantitative Status. In taking a conservative approach the lower status is assigned, hence the GWB has an overall status for 2016 – 2021 of Poor.

This is a decline on the three preceding reporting periods of 2007 – 2012, 2010 – 2015 and 2013 – 2018, all of which returned a status of Good. The most recent status failure is attributed to elevated nitrates. The sampling site where elevated nitrates are most commonly detected is Sheepgrange, located midway between Drogheda and Slane.

A review of the EPA maps portal specify agricultural pressures and activities as being potentially significant enough to place the Wilkinstown GWB At Risk of not meeting its water quality objectives under the Water Framework Directive.

As described in EIAR Section 8.4.9 surface waters leaving the site enter a local drainage network which outfalls to the Mell Stream (EPA nomenclature). This channel is referenced under the WFD system as Tullysker_010 (EU Code: IE_EA_07T2&0880) and drains the townlands of Killineer, Balgatheran, Hill of Rath, Mell and Tullyallen (catchment area is equal to 41 km²).

The Tullysker_010 has a River Waterbody Status of Moderate for the period 2016 – 2021. This is an improvement on the value of Poor which was assigned for the preceding period (2013-2018). The projected Risk classification for this waterbody under the third WFD cycle is 'under review'. The

monitoring point for this watercourse is in Drogheda town at Newfoundwell Bridge. The channel has ongoing issues meeting Surface Water Regulations threshold values for ammonia and orthophosphate.

Tullyesker_010 is in sub-catchment Boyne_SC_130 (ID Code 07_17) which broadly covers the greater Drogheda area. The sub-catchment includes the Tullyesker_010 and the Stagrennan_010. This sub-catchment is within Hydrometric Area 07: Boyne. The WFD 2nd Cycle Report for the sub-catchment Boyne_SC_130 was published in 2018. The report notes that the sub-catchment is under Review due to its unassigned status. Local catchment assessments are required so as to determine whether any issues exist.

A review of the EPA maps portal did not specify any significant pressures or activities on the Tullyesker_010. The sub-catchments report (2018) states that pressures to Tullyesker_010 are urban runoff and agriculture. Further characterisation measures for the Tullyesker_010 are listed as Action IA6 – Multiple Sources in Large Urban Areas and Action IA3 – Determination of Water Quality (unassigned waterbody). The organisation responsible for implementing these actions is Louth County Council.

The Tullyesker_010 outfalls to the Boyne Coast and Estuary SAC and Boyne Estuary SPA, the objectives of which have already been acknowledged in Section 8.4.12 in the EIAR.

The EIAR chapters concluded that there will be no perceptible impact to the receiving surface water or groundwater bodies in terms of chemical quality or quantity. Hence the site is in compliance with Article 4 of the WFD.

References

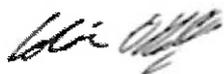
EPA, 2022. Guidelines on the information to be contained in environmental impact assessment reports.
GSI, 2004. Wilkinstown Groundwater Body Report. Geological Survey of Ireland.
EPA, 2018. WFD Cycle 2: Catchment Boyne; Sub-catchment Boyne_SC_130; Code 07_17.

Conclusions

This enclosure comprises part of a response on behalf of the Applicant, Hibernia Steel (Manufacturing) Limited, to 4 no. third party appeals made against Louth County Council's decision to grant permission, subject to 20 conditions, for development at Mell, Drogheda, Co. Louth.

We trust that An Bord Pleanála will have regard to the content of this enclosure and concur that the relevant grounds of appeal have been suitably addressed.

Yours sincerely,



Colin O'Reilly PhD (Hydrology)
Director (Managing)

Enclosure B



The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1, D01 V902.

RE: SECTION 129 RESPONSE TO 4 NO. THIRD PARTY APPEALS AGAINST THE DECISION OF LOUTH COUNTY COUNCIL TO GRANT PLANNING PERMISSION TO HIBERNIA STEEL (MANUFACTURING) LIMITED FOR DEVELOPMENT AT MELL, DROGHEDA, CO. LOUTH.

AN BORD PLEANÁLA REFERENCE: ABP-319281-24

LOUTH COUNTY COUNCIL PLANNING REG. REF.: 2360115

RESPONSE TO 1 NO. ITEM WITHIN 'APPEAL B'

Introduction

This enclosure is prepared on behalf of Applicant, Hibernia Steel (Manufacturing) Limited, and comprises part of its First Party Response to the following 4 no. third party appeals made against Louth County Council's decision to grant permission for the above-mentioned development, subject to 20 conditions:

- Appeal by Elaine Moore and Barry Mulvany and Greg and Pauline Clarke – referred to in the First Party Response as 'Appeal A'.
- Appeal by Sadbh de Buitléir-Kearney, Eilís de Buitléir-Kearney and Eugene Kearney – referred to in the First Party Response as 'Appeal B'.
- Appeal by Killineer and District Residents Association – referred to in the First Party Response as 'Appeal C'.
- Appeal by Charles Carroll – referred to in the First Party Response as 'Appeal D'.

This enclosure provides a response to the following item set out within Appeal B.

Grounds of Appeal

Appeal B states 'A noise level of 55 Db has been quoted for the operation of the galvanising facility, but this fails to take into account the noise caused by the flow of traffic into and out of the site, or the noise associated with loading and unloading large loads of metal; to say nothing of the disruption arrived by a high volume of staff coming and going.'



Response

The noise level of 55 dBA refers to the daytime noise Criterion or Limit not the predicted noise levels.

This limit is taken from EPA guidance which is in turn based on the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

To arrive at the 55 dBA daytime noise limit a detailed procedure has been followed which involves screening for areas of low background noise and undertaking a background noise survey.

It has been demonstrated that the area of the proposed development does not meet the criteria of an area of low background noise due principally to its proximity to a busy road network.

Operational noise levels presented in the noise Chapter of the EIAR represent a worst-case scenario which takes account of all the potential significant noise sources including HGV movements and the loading and unloading procedures.

The proposed development includes a soil berm and acoustic fence which will be constructed along the western boundary of the site between facility and the closest NSRs. The predicted residual noise levels, at the nearest two NSRs, as set out in Section 10.8.2 of the EIAR, will be:

Location id (NSR)	Predicted Maximum Levels LAeqT - 1 hour dB(A)
NSR1	39
NSR2	39

It is highlighted that these levels would be well within / below the 55 dBA set out in the EIAR.

Conclusions

This enclosure comprises part of a response on behalf of the Applicant, Hibernia Steel (Manufacturing) Limited, to 4 no. third party appeals made against Louth County Council’s decision to grant permission, subject to 20 conditions, for development at Mell, Drogheda, Co. Louth.

We trust that An Bord Pleanála will have regard to the content of this enclosure and concur that the relevant grounds of appeal have been suitably addressed.

Yours sincerely,

Oliver Fitzsimons. BSc (Hons. Environmental Sc.) MSc (App. Sc.), MSc (GIS).

Enclosure C

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1, D01 V902.

RE: SECTION 129 RESPONSE TO 4 NO. THIRD PARTY APPEALS AGAINST THE DECISION OF LOUTH COUNTY COUNCIL TO GRANT PLANNING PERMISSION TO HIBERNIA STEEL (MANUFACTURING) LIMITED FOR DEVELOPMENT AT MELL, DROGHEDA, CO. LOUTH.

AN BORD PLEANÁLA REFERENCE: ABP-319281-24

LOUTH COUNTY COUNCIL PLANNING REG. REF.: 2360115

RESPONSE TO 1 NO. ITEM WITHIN 'APPEAL C'

Introduction

This enclosure is prepared on behalf of Applicant, Hibernia Steel (Manufacturing) Limited, and comprises part of its First Party Response to the following 4 no. third party appeals made against Louth County Council's decision to grant permission for the above-mentioned development, subject to 20 conditions:

- Appeal by Elaine Moore and Barry Mulvany and Greg and Pauline Clarke – referred to in the First Party Response as 'Appeal A'.
- Appeal by Sadbh de Buitléir-Kearney, Eilís de Buitléir-Kearney and Eugene Kearney – referred to in the First Party Response as 'Appeal B'.
- Appeal by Killineer and District Residents Association – referred to in the First Party Response as 'Appeal C'.
- Appeal by Charles Carroll – referred to in the First Party Response as 'Appeal D'.

This enclosure provides a response to the following item set out within Appeal C.

Grounds of Appeal

Appeal C states

'...the Louth Landscape Character Assessment ("LLCA") was carried out in 2002. This predates the ratification and coming into force of the European Landscape Convention ("ELC") in Ireland and the adoption of the third edition of the GLVIA which radically redefined the concept of landscape, including for the purpose of 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 and/or human factors. The EIAR does not demonstrate awareness of this 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'.

Response

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 & Visual Impact Assessment (GLVIA3).

Further, the project Landscape Architect has significant specific experience in relation to Landscape

mullin
landscape architecture

Character Assessment, including preparation of the Regional Landscape Character Assessment for all of Northern Ireland.

Whilst the Louth Landscape Character Assessment was prepared in 2002, we consider the fundamental characteristics and character areas identified therein to remain relevant.

It is important to clarify that whilst the Louth Landscape Character Assessment provides helpful supporting information on a larger scale, it is the localised landscape character associated with the subject site, combined with the proposed development typology, which formed the basis of the LVIA findings.

Conclusions

This enclosure comprises part of a response on behalf of the Applicant, Hibernia Steel (Manufacturing) Limited, to 4 no. third party appeals made against Louth County Council's decision to grant permission, subject to 20 conditions, for development at Mell, Drogheda, Co. Louth.

We trust that An Bord Pleanála will have regard to the content of this enclosure and concur that the relevant grounds of appeal have been suitably addressed.

Kind Regards



Pete Mullin
Chartered Landscape Architect
Partner

mullin
landscape architecture

Enclosure D

Our file Ref: C216
Your file ref:

Dated: 16th April 2024

**The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.**

RE: SECTION 129 RESPONSE TO 4 NO. THIRD PARTY APPEALS AGAINST THE DECISION OF LOUTH COUNTY COUNCIL TO GRANT PLANNING PERMISSION TO HIBERNIA STEEL (MANUFACTURING) LIMITED FOR DEVELOPMENT AT MELL, DROGHEDA, CO. LOUTH.

AN BORD PLEANÁLA REFERENCE: ABP-319281-24

LOUTH COUNTY COUNCIL PLANNING REG. REF.: 2360115

RESPONSE TO 3 NO. ITEMS WITHIN 'APPEAL B'

Introduction

This enclosure is prepared on behalf of Applicant, Hibernia Steel (Manufacturing) Limited, and comprises part of its First Party Response to the following 4 no. third party appeals made against Louth County Council's decision to grant permission for the above-mentioned development, subject to 20 conditions:

- Appeal by Elaine Moore and Barry Mulvany and Greg and Pauline Clarke – referred to in the First Party Response as 'Appeal A'.
- Appeal by Sadbh de Buitléir-Kearney, Eilís de Buitléir-Kearney and Eugene Kearney – referred to in the First Party Response as 'Appeal B'.
- Appeal by Killineer and District Residents Association – referred to in the First Party Response as 'Appeal C'.
- Appeal by Charles Carroll – referred to in the First Party Response as 'Appeal D'.

This enclosure provides a response to the following 3 no. items set out within Appeal B.

Item 1

Grounds of Appeal

Appeal B submits that the Report for Policy EE 63 provides insufficient detail or specific examples as to how relevant targets are to be achieved.



Response

The GHG calculation report consists of recommendations made for Hibernia Steel (Manufacturing) Limited. These recommendations will ensure further GHG reductions from the future facility thus contributing to the achievement of the climate targets set in the National and Local legislation.

The proposed facility has considered the Climate Action Plans and has been consonant with the Louth County Development Climate Objectives. The proposed facility will be subject to prevailing and future legislative requirements regarding sustainability.

Item 2

Grounds of Appeal

Appeal B submits that the Report does not provide assessment in respect of carbon generated by construction

Response

According to the methodologies applied during the calculation process, the GHG emissions associated with the commissioning, construction and decommissioning of the project are excluded due to their nature of temporary occurrence. The air emissions associated with the construction phase are greatly assessed in the EIAR.

The methodologies used for the carbon footprint calculations are worldwide accepted and internationally recognised by organisations such as Intergovernmental Panel on Climate Change (IPCC) Guidelines for National Greenhouse Gas Inventories, the World Resource Institute (WRI), World Business Council for Sustainable Development (WBCSD) and the International Financial Institutions (IFI) Framework for a Harmonised Approach to Greenhouse Gas Accounting.

Item 3

Grounds of Appeal

Appeal B submits that the proposed development does not provide for storage of solar generated electricity.

Response

The proposed facility has considered the Climate Action Plans and has been consonant with the Louth County Development Climate Objectives. The proposed solar panels will be used to increase the usage of renewable energy and thus is consistent with the net zero target by 2050 set in the Climate Action Plan.

Conclusions

This enclosure comprises part of a response on behalf of the Applicant, Hibernia Steel (Manufacturing) Limited, to 4 no. third party appeals made against Louth County Council's decision to grant permission, subject to 20 conditions, for development at Mell, Drogheda, Co. Louth.

We trust that An Bord Pleanála will have regard to the content of this enclosure and concur that the relevant grounds of appeal have been suitably addressed.



Yours sincerely,

Niamh Murray,
Senior Environmental Scientist,
Boylan Engineering & Environmental Ltd.



Enclosure E

Our file Ref: C216
Your file ref:

Dated: 16th April 2024

**The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902.**

RE: SECTION 129 RESPONSE TO 4 NO. THIRD PARTY APPEALS AGAINST THE DECISION OF LOUTH COUNTY COUNCIL TO GRANT PLANNING PERMISSION TO HIBERNIA STEEL (MANUFACTURING) LIMITED FOR DEVELOPMENT AT MELL, DROGHEDA, CO. LOUTH.

AN BORD PLEANÁLA REFERENCE: ABP-319281-24

LOUTH COUNTY COUNCIL PLANNING REG. REF.: 2360115

RESPONSE TO 1 NO. ITEM WITHIN 'APPEAL C'

Introduction

This enclosure is prepared on behalf of Applicant, Hibernia Steel (Manufacturing) Limited, and comprises part of its First Party Response to the following 4 no. third party appeals made against Louth County Council's decision to grant permission for the above-mentioned development, subject to 20 conditions:

- Appeal by Elaine Moore and Barry Mulvany and Greg and Pauline Clarke – referred to in the First Party Response as 'Appeal A'.
- Appeal by Sadbh de Buitléir-Kearney, Eilís de Buitléir-Kearney and Eugene Kearney – referred to in the First Party Response as 'Appeal B'.
- Appeal by Killineer and District Residents Association – referred to in the First Party Response as 'Appeal C'.
- Appeal by Charles Carroll – referred to in the First Party Response as 'Appeal D'.

This enclosure provides a response to the following item set out within Appeal C.

Grounds of Appeal

Appeal C raises objection relating to the HSA's submission / observation on the Application

'Boylan Consulting' is a trading name of 'Boylan Engineering & Environmental Ltd.'
Registered address: Leitrim, Mullagh, Co. Cavan. Company Reg. No. 572749, VAT No. 3396849JH.
Company Director: Cathal Boylan



Engineering & Environmental Consultancy



Response

At the outset, we note that, while the HSA's submission / observation on the Application is dated 23rd January 2024, Louth County Council's acknowledgement of receipt states this submission / observation was received by Louth County Council on 7th February 2024, which was out-of-time, and hence we are unsure as to whether this submission / observation was validly made.

In any case, for background, prior to making the planning application, we engaged with the HSA to determine if the proposed development was likely to be considered a SEVESO site based on assessment of Tier 1 & Tier 2 threshold levels, and confirmation was received that the proposed development will not comprise a SEVESO site. See appendices 5A (COMAH Notification Form) and 5B (Response from HSA on COMAH Notification) of the EIAR accompanying the Application. The COMAH Notification Form included an inventory of dangerous substances.

We have reviewed the HSA's submission / observation on the Application and our understanding is that the letter sets out that the HSA considers that the proposed development **may** [our emphasis] comprise - under Regulation 24(2) (c) of S.I. 209 of 2015, a 'new development [...] in the vicinity of establishments, where modifications or developments may be the source of, or increase the risk or consequences of, a major accident' - with the 'establishments' here referring to a SEVESO site / sites.

In this regard we highlight that the Louth Co. Co. and Meath Co. Co. development plans set out the locations of SEVESO sites notified to those Authorities by the HSA. The nearest of these to the proposed development is the Flogas Ireland site at Marsh Road, Drogheda, approximately 4.19 kilometres from the proposed development, and far outside the 600 metre consultation distance for that establishment advised to Louth County Council by the HSA. Thus we consider that none of these are in the vicinity of the proposed development.

In this regard we submit there should be no impediment to An Bord Pleanála granting permission for the proposed development.

Naturally, should An Bord Pleanála wish to engage further with the HSA it may do so, and in this regard, should An Bord Pleanála / the HSA require any further information from us we would be happy to provide it if requested.

Finally please note we have attempted to engage with the HSA in relation to the above however the HSA advised it is willing to provide advice only to An Bord Pleanála, if engaged by An Bord Pleanála.

Conclusions

This enclosure comprises part of a response on behalf of the Applicant, Hibernia Steel (Manufacturing) Limited, to 4 no. third party appeals made against Louth County Council's decision to grant permission, subject to 20 conditions, for development at Mell, Drogheda, Co. Louth.

We trust that An Bord Pleanála will have regard to the content of this enclosure and concur that the relevant grounds of appeal have been suitably addressed.

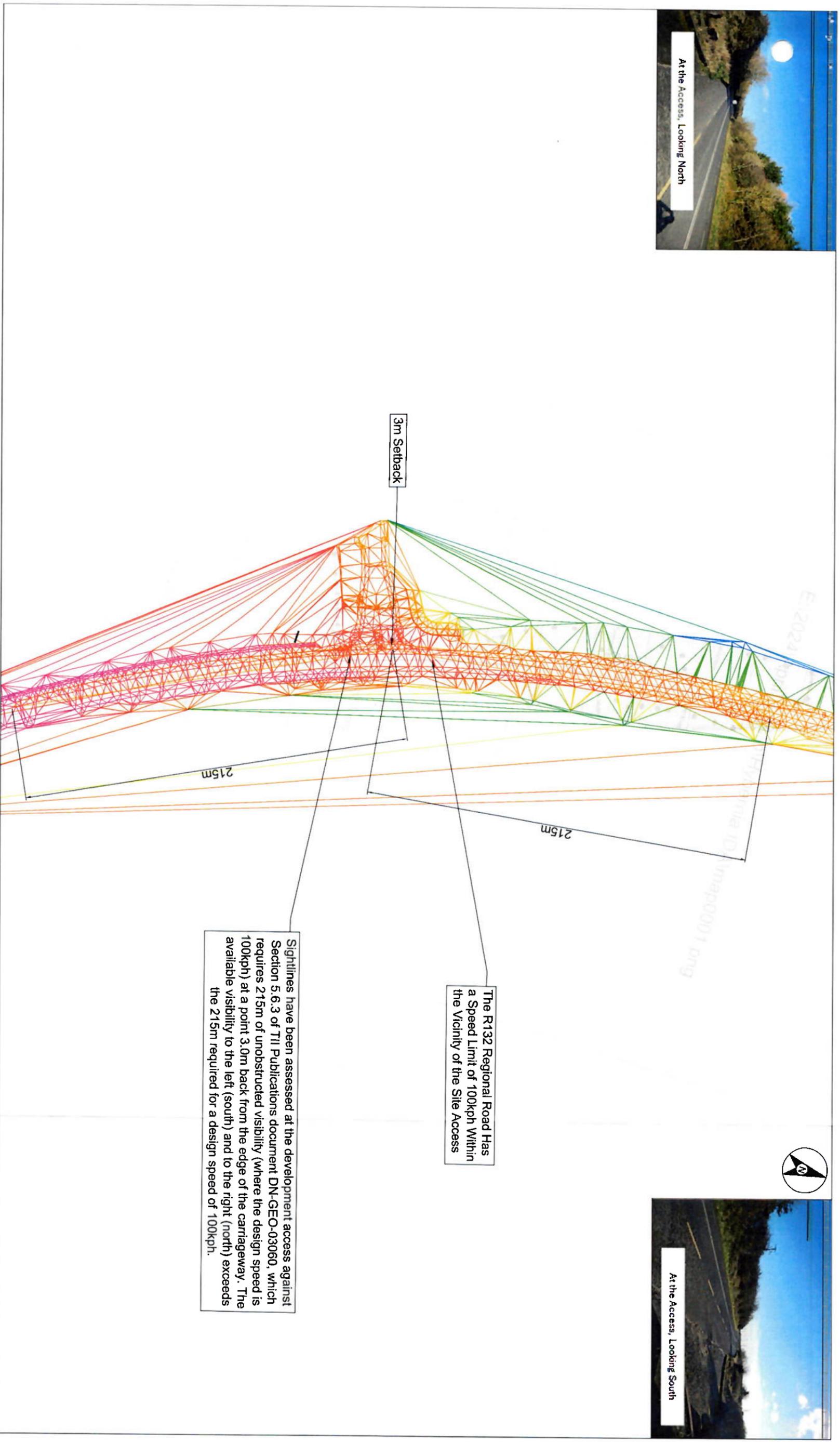
Yours sincerely,

Niamh Murry,





Enclosure F

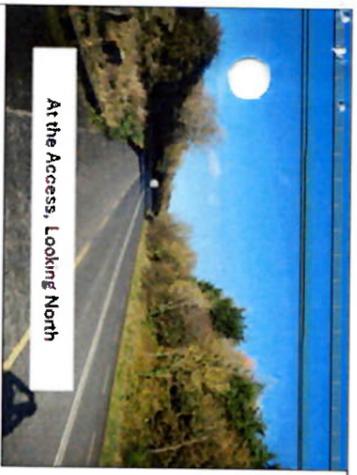


Note:
Topographical Survey Provided by Boylan Engineering.

Rev	Date	Comments

Project:		Proposed Galvanising Plant Mell, Co. Louth, Drogheda	
Drawing Title:		Sightline Assessment in Accordance With TII Publications Document DN-GEO-03060	
Scale:	1:2000 @ A3	Date:	11/04/2024
Drawing No:	P22181-PMCE-ZZ-XX-DG-CR-001	Suitability:	S0
Drawn:	XY	Check:	AP
Revision:	1.0	Status:	Draft
Approved:	TAG		

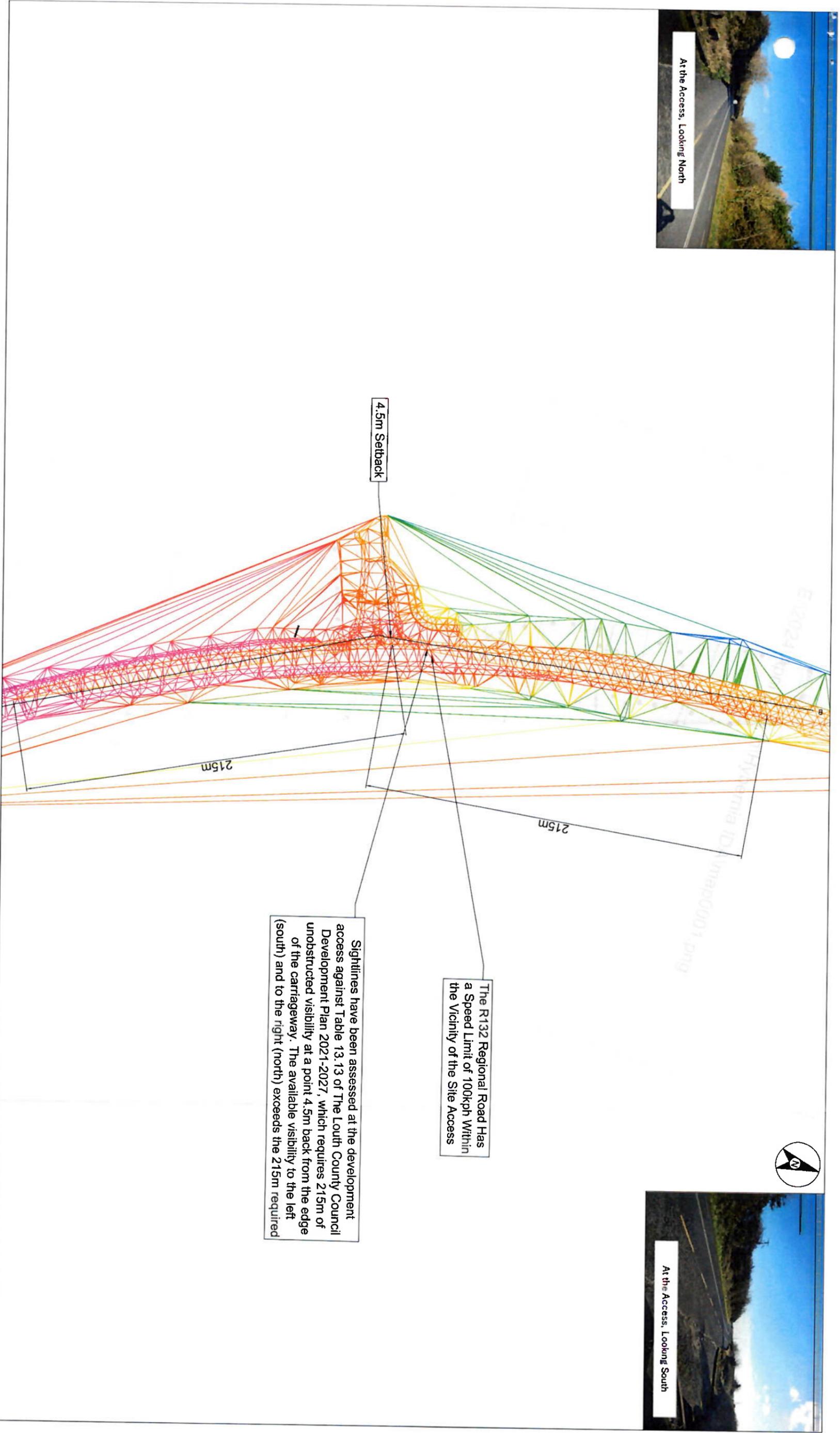




At the Access, Looking North



At the Access, Looking South



The R132 Regional Road Has a Speed Limit of 100kph Within the Vicinity of the Site Access

Sightlines have been assessed at the development access against Table 13.13 of The Louth County Council Development Plan 2021-2027, which requires 215m of unobstructed visibility at a point 4.5m back from the edge of the carriageway. The available visibility to the left (south) and to the right (north) exceeds the 215m required

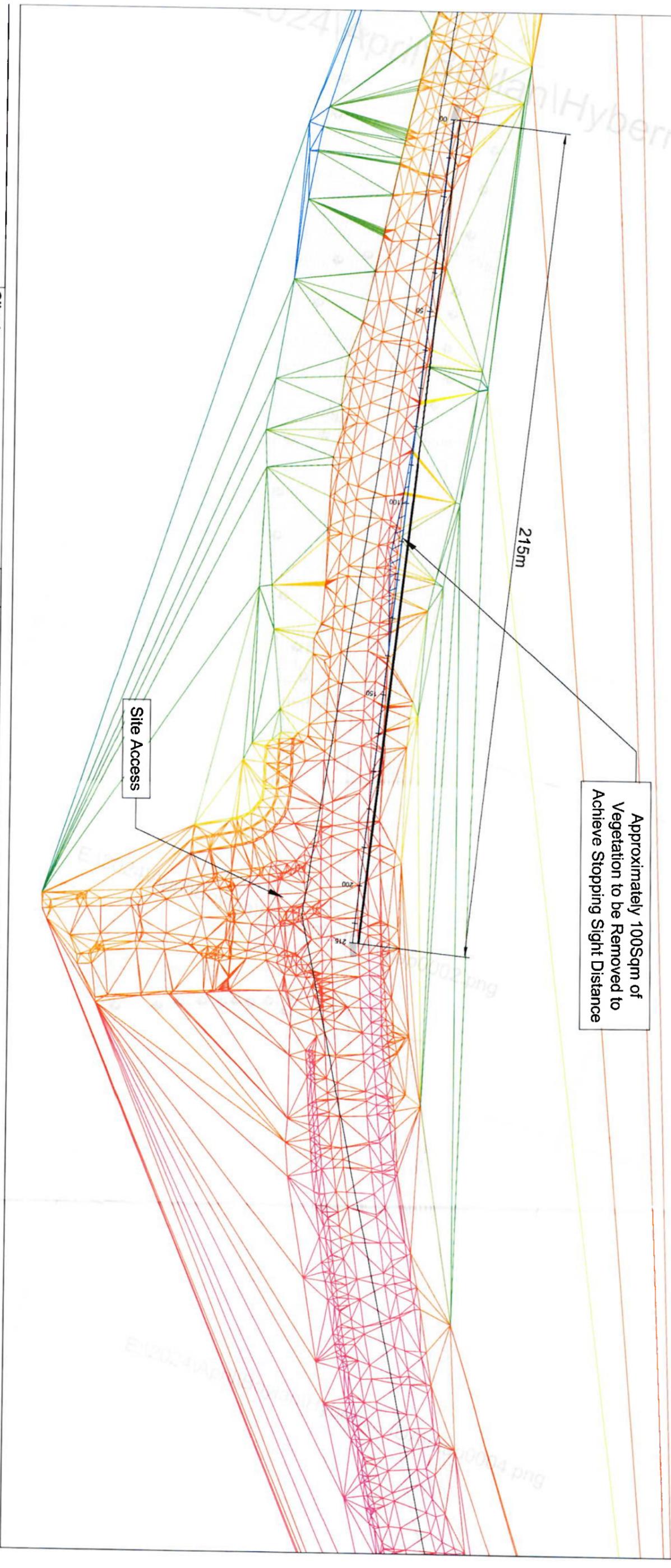
Note:
Topographical Survey Provided by Boylan Engineering.

Rev	Date	Comments

Project:		Proposed Galvanising Plant Mell, Co. Louth, Drogheda			
Drawing Title:		Sightline Assessment in Accordance With The Louth County Council Development Plan 2021-2027			
Scale:	1:2000 @ A3	Date:	11/04/2024	Drawn:	XY
Drawing No.:	P22181-PMCE-ZZ-XX-DG-CR-002	Suitability:	S0	Revision:	1.0
Status:		Check:	AP	Approved:	TAG
Draft					

18 1800 14





Client:

Rev Date

Comments

Project:

**Proposed Galvanising Plant
Mell, Co. Louth, Drogheda**

Drawing Title:

**Forward Visibility
Sheet 1 of 2**

Scale: 1:1000 @ A3

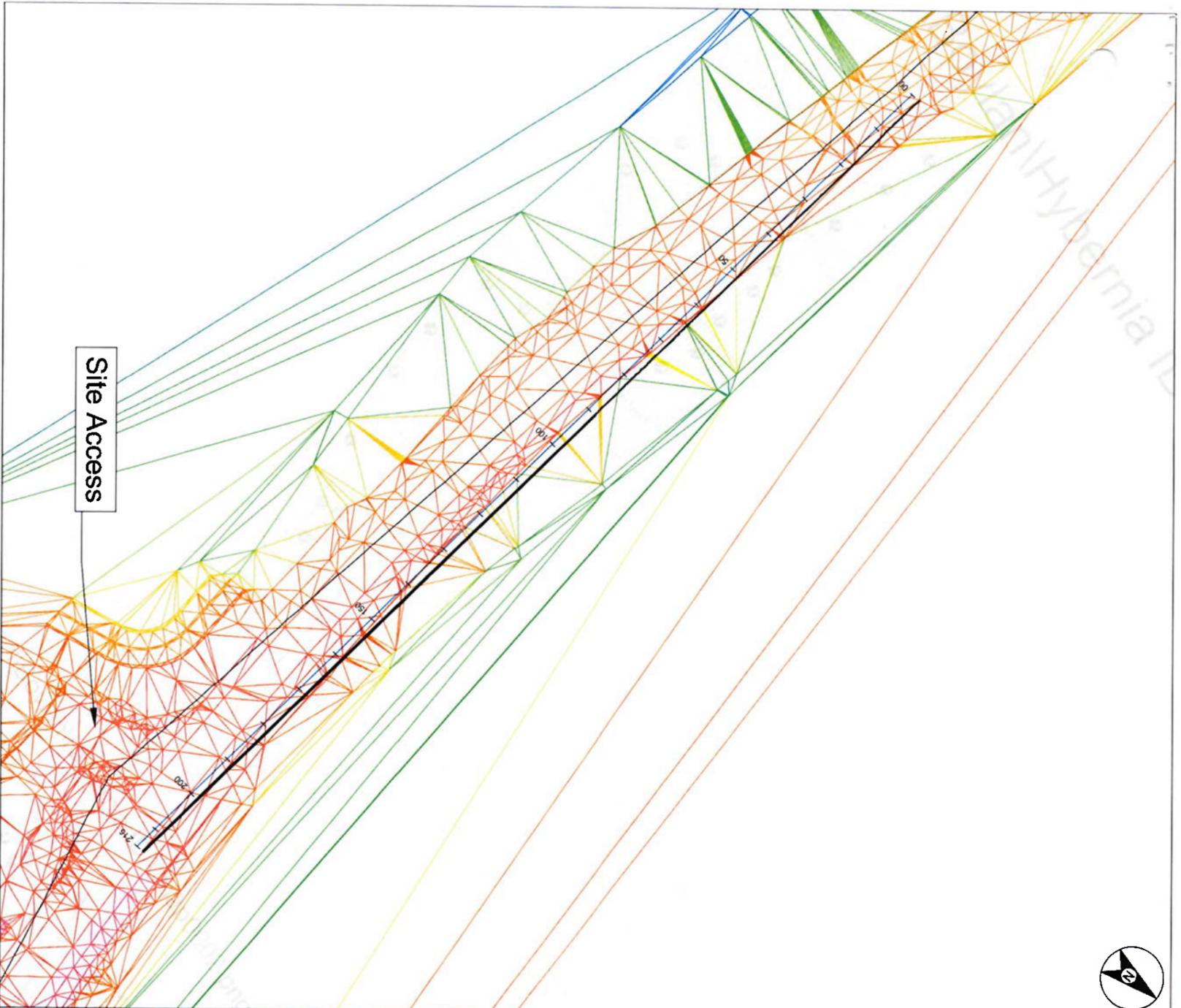
Date: 15/04/2024

Drawing No: P22-181-PMCE-ZZ-XX-DG-CR-003

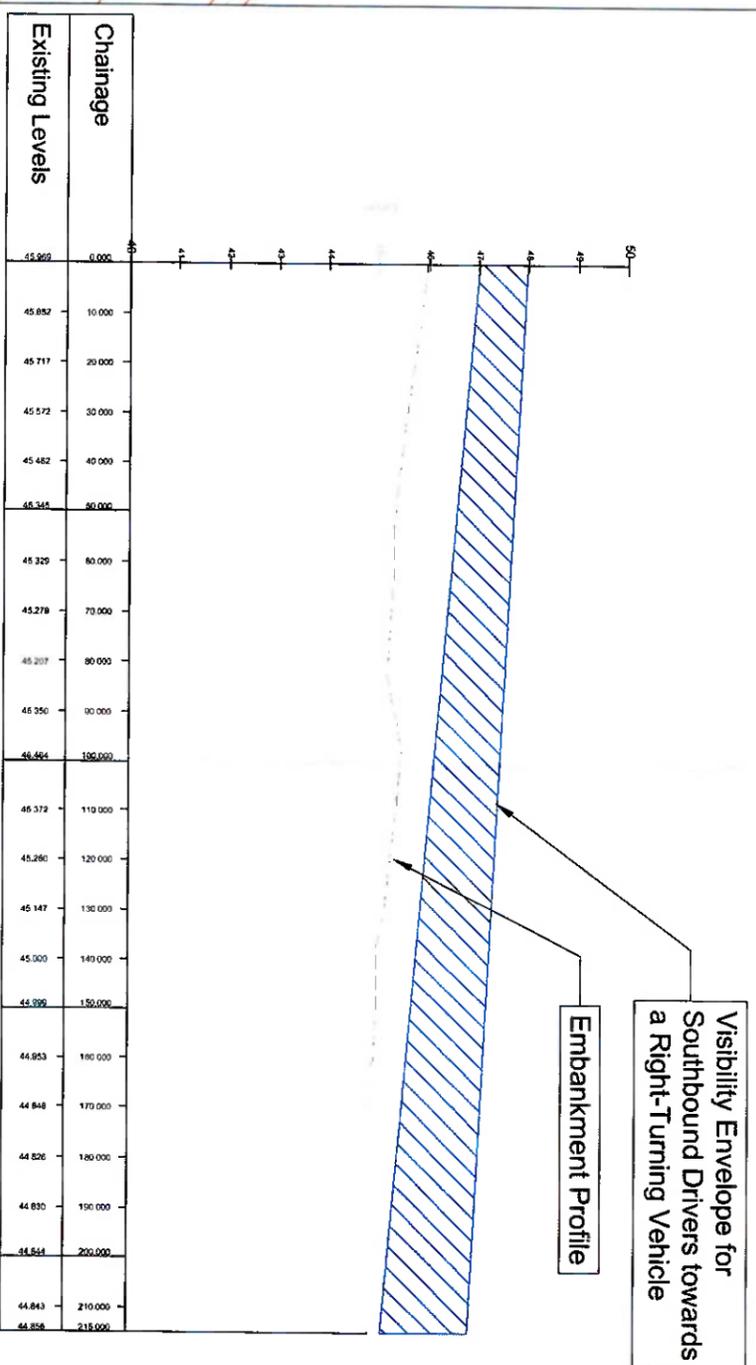
Suitability: S0

Drawn: XY
Check: AP
Approved: TAG
Revision: 1.0
Status: Draft





VISIBILITY LINE - LONGSECTION V2
SCALE: H 1:500, V 1:50, DATUM: 40,000



Client:

Rev	Date	Comments

Project:

**Proposed Galvanising Plant
Mell, Co. Louth, Drogheda**

Forward Visibility

Sheet 2 of 2

Drawing Title:

Scale: 1:1000 @ A3

Date: 15/04/2024

Drawn: XY

Checked: AP

Approved: TAG

Drawing No: P22-181-PMCE-ZZ-XX-DG-CR-004

Suitability: S0

Revision: 1.0

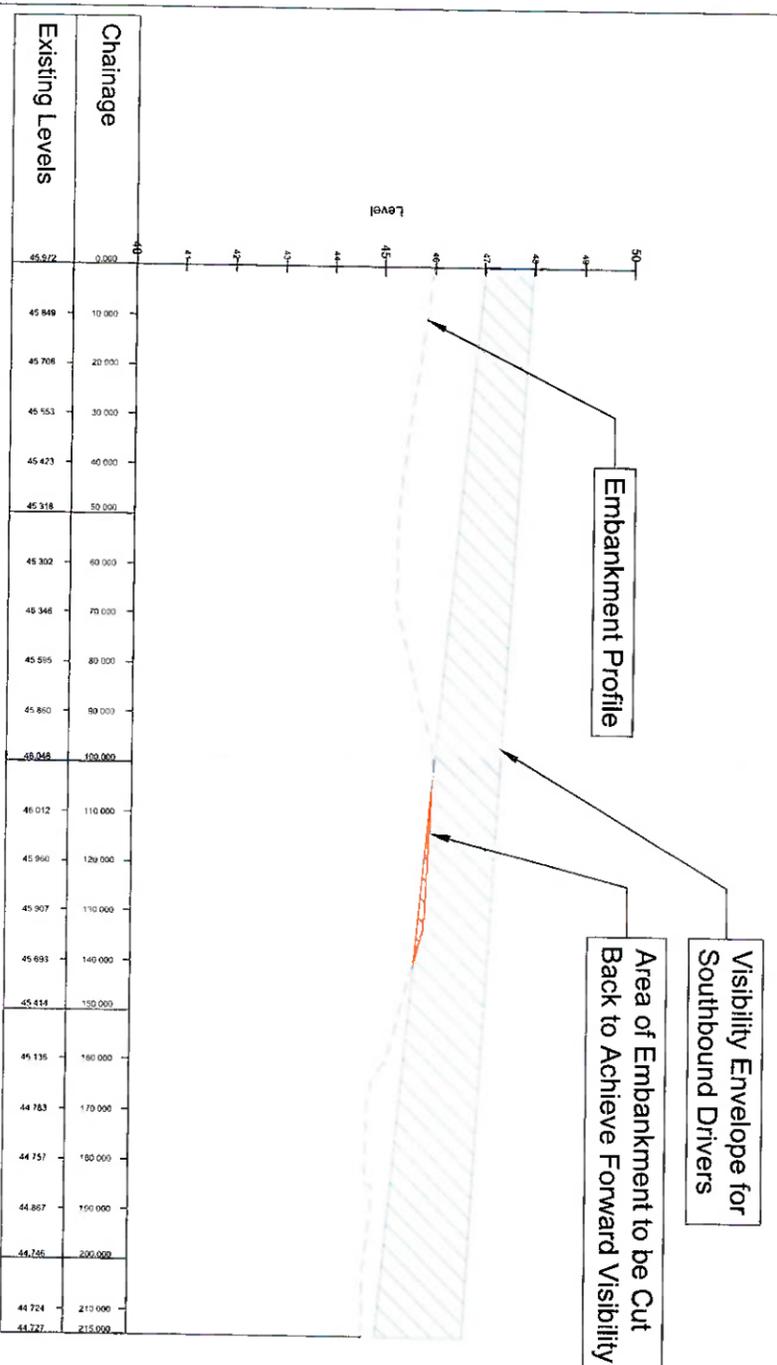
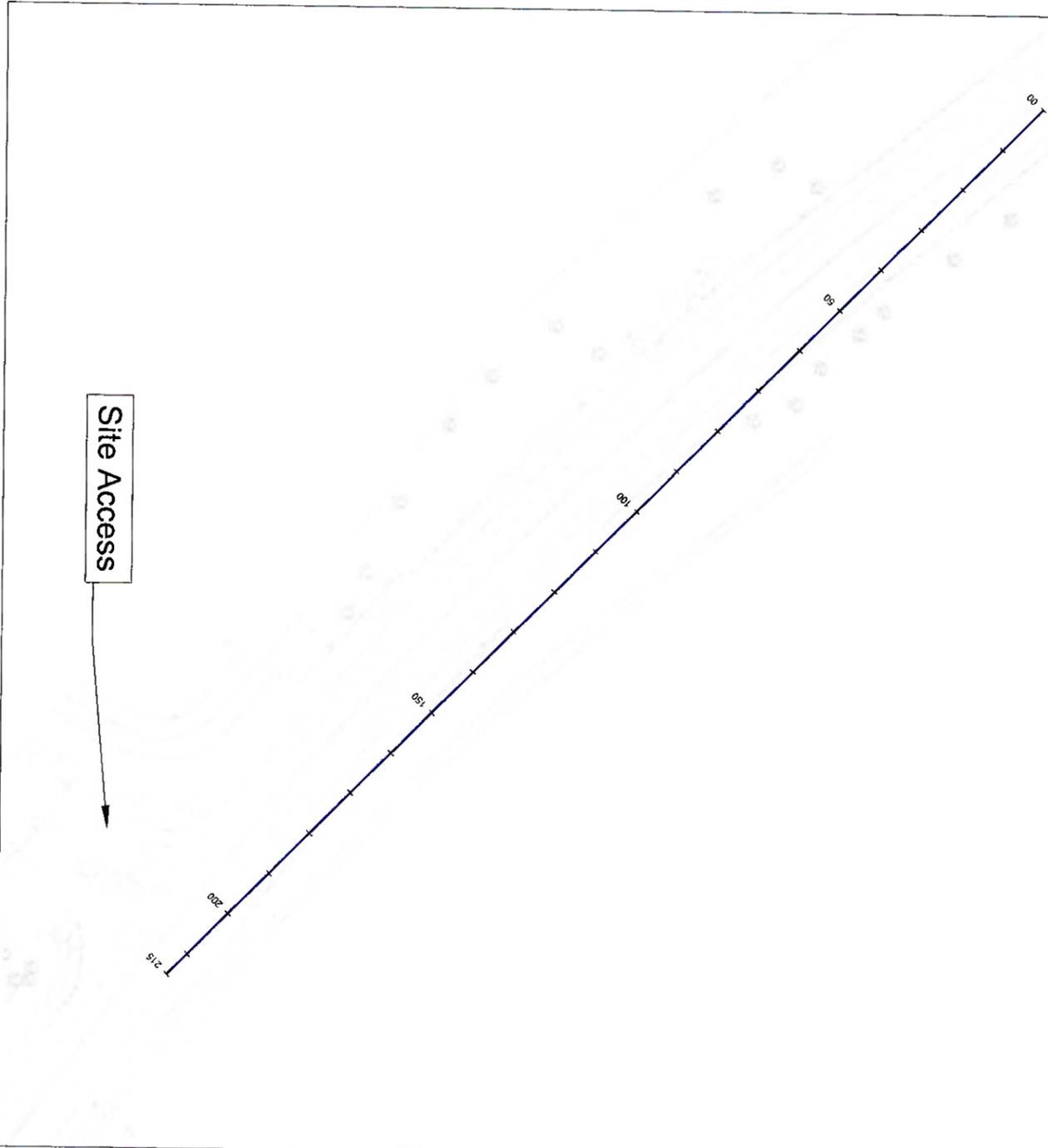
Status: Draft

P.M.C.E
CONSULTANTS

Independent Specialists · Engineering Solutions



VISIBILITY LINE - LONGSECTION V2
 SCALE: H 1:500, V 1:50, DATUM: 40.000



P.M.C.E
CONSULTANTS
 Independent Specialists · Engineering Solutions

Client:

Rev	Date	Comments

Project: **Proposed Galvanising Plant Mell, Co. Louth, Drogheda**
 Drawing Title: **Forward Visibility Sheet 2 of 2**
 Scale: **1:1000 @ A3**
 Date: **16/04/2024**
 Drawing No: **P22-181-PMCE-ZZ-XX-DG-CR-004**
 Suitability: **S0**
 Drawn: **RIF**
 Check: **AP**
 Approved: **TAG**
 Revision: **2.0**
 Status: **Draft**

Enclosure G

Devereux, Emmet

From: Seamus Lee <Slee@water.ie>
Sent: Wednesday 17 April 2024 10:25
To: Devereux, Emmet
Subject: CDS2300230801 - Drogheda

CAUTION: This email originated from outside of the organisation. Do NOT click links or open attachments unless you recognise the sender and know the content is safe. When in doubt, contact IT Service Desk.

Hi Emmet,

With respect to application CDS2300230801 - IDA Drogheda North Business & Technology Park, Chapel Lane, Drogheda, Louth.

Uisce Éireann confirm that this application is currently under design analysis with respect to the extension of public services.

At this stage of the design analysis and with the details provided Uisce Éireann consider that the IDA Ireland Mell Drogheda Park connection to the public network is feasible.

Uisce Éireann currently estimate the design analysis to be completed in six to eight weeks (subject to change). Infrastructure extensions of the public network regarding this application are likely to be customer funded.

This letter does not constitute an offer, in whole or in part, to provide a connection to any Uisce Éireann infrastructure. Before the Development can be connected to our network(s) you must submit a connection application and be granted and sign a connection agreement with Uisce Éireann.

Thanks and regards,

Seamus Lee
Connections and Developer Services Regional Manager
Uisce Eireann
www.water.ie
[Facebook](#) | [Twitter](#) | [LinkedIn](#)

Is don duine amháin nó don eintiteas amháin ainmnithe ar an seoladh an fhaisnéis agus d'fhéadfadh ábhar faoi rún, faoi phribhléid nó ábhar atá íogair ó thaobh na tráchtála de a bheith mar chuid den fhaisnéis. Tá toirmeasc ar aon daoine nó aon eititis; nach dóibh siúd an fhaisnéis- aon athbheithniú a dhéanamh, aon atarchur a dhéanamh nó aon athdháileadh a dhéanamh, nó aon úsáid eile a bhaint as an bhfaisnéis, nó aon ghníomh a bhraithfeadh ar an bhfaisnéis seo a dhéanamh agus d'fhéadfaí an dlí a shárú dá ndéanfaí sin. Séanann Uisce Éireann dliteanas as aon ghníomh agus as aon iarmhairt bunaithe ar úsáid neamhúdaraith na faisnéise seo. Séanann Uisce Éireann dliteanas maidir le seachadadh iomlán agus ceart na faisnéise sa chumarsáid seo agus séanann Uisce Éireann dliteanas maidir le haon mhoill a bhaineann leis an bhfaisnéis a fháil. Má tá an ríomh-phost seo faighte agat trí dhearmad, déan teagmháil leis an seoltóir más é do thoil é agus scríos an t-ábhar ó gach aon ríomhaire. D'fhéadfadh ríomhphost a bheith so-ghabhálach i leith truaillithe, idircheaptha agus i leith leasuithe neamhúdaraith. Séanann Uisce Éireann aon fhreagracht as athruithe nó as idircheapadh a rinneadh ar an ríomhphost seo nó as aon dochar do chórais na bhfaighteoírí déanta ag an teachtaireacht seo nó ag a ceangaltáin tar éis a sheolta. Tabhair faoi deara go bhféadfadh monatóireacht a bheith á dhéanamh ar theachtairreachtaí chuig Uisce Éireann agus ó Uisce Éireann d'fhonn ár ngnó a chosaint agus chun a chinntiú go bhfuiltear ag teacht le beartais agus le caighdeáin Uisce Éireann. Is cuideachta

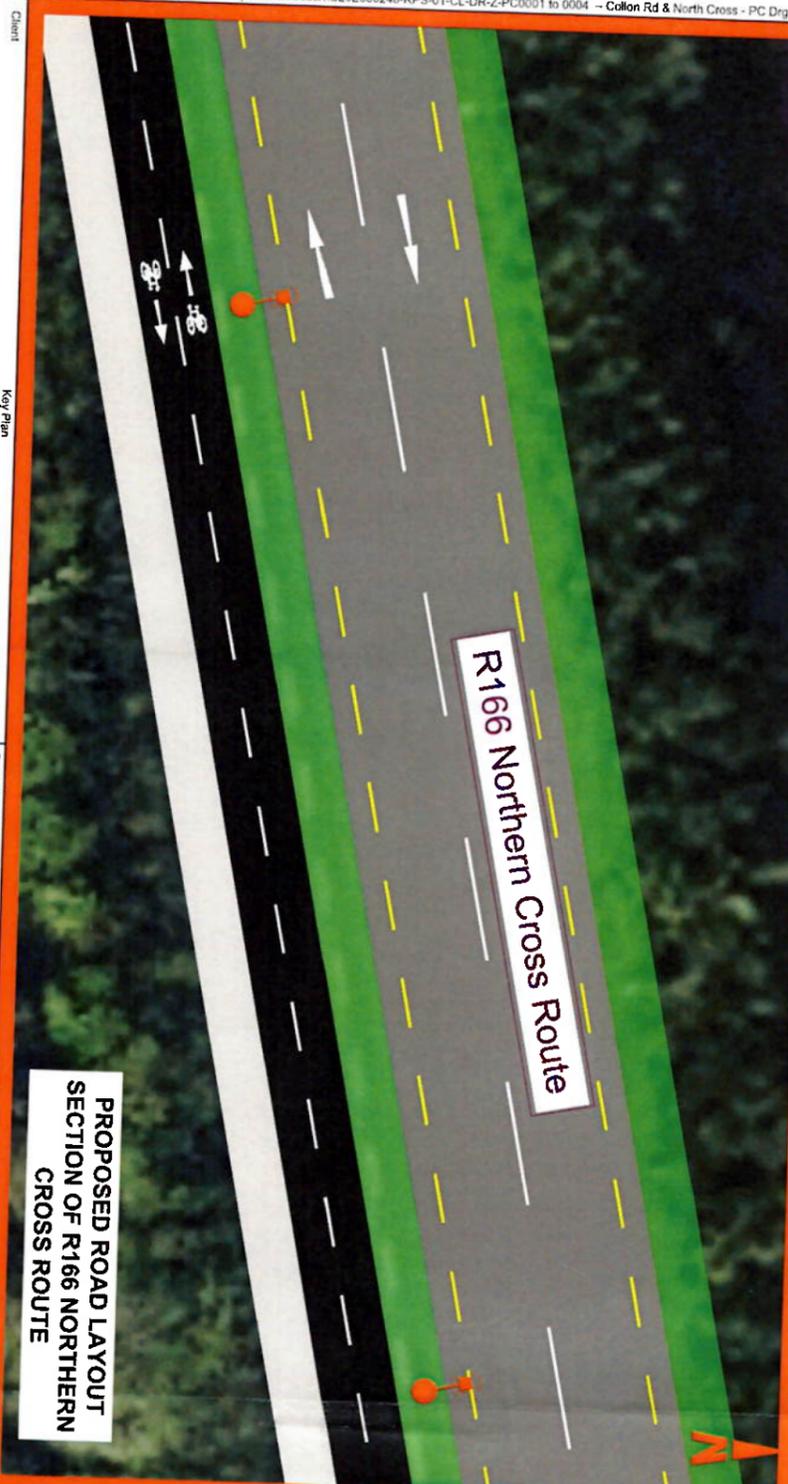
gníomhaíochta ainmnithe é Uisce Éireann atá faoi theorainn scaireanna, a bunaíodh de bhun fhorálacha na n-Acht na um Sheirbhísí Uisce 2007-2022, a bhfuil a bpríomh-ionad gnó ag Teach Colvill, 24-26 Sráid na Talbóide, BÁC 1.

Go raibh maith agat as d'aird a thabhairt.

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential, commercially sensitive and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited and may be unlawful. Uisce Éireann accepts no liability for actions or effects based on the prohibited usage of this information. Uisce Éireann is neither liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt. If you received this in error, please contact the sender and delete the material from any computer. E-Mail may be susceptible to data corruption, interception and unauthorised amendment. Uisce Éireann accepts no responsibility for changes to or interception of this e-mail after it was sent or for any damage to the recipients systems or data caused by this message or its attachments. Please also note that messages to or from Uisce Éireann may be monitored to ensure compliance with Uisce Eireann's policies and standards and to protect our business. Uisce Éireann is a designated activity company limited by shares, established pursuant to the Water Services Acts 2007-2022, having its principal place of business at Colvill House, 24-26 Talbot Street, Dublin 1.

Thank you for your attention.

Enclosure H



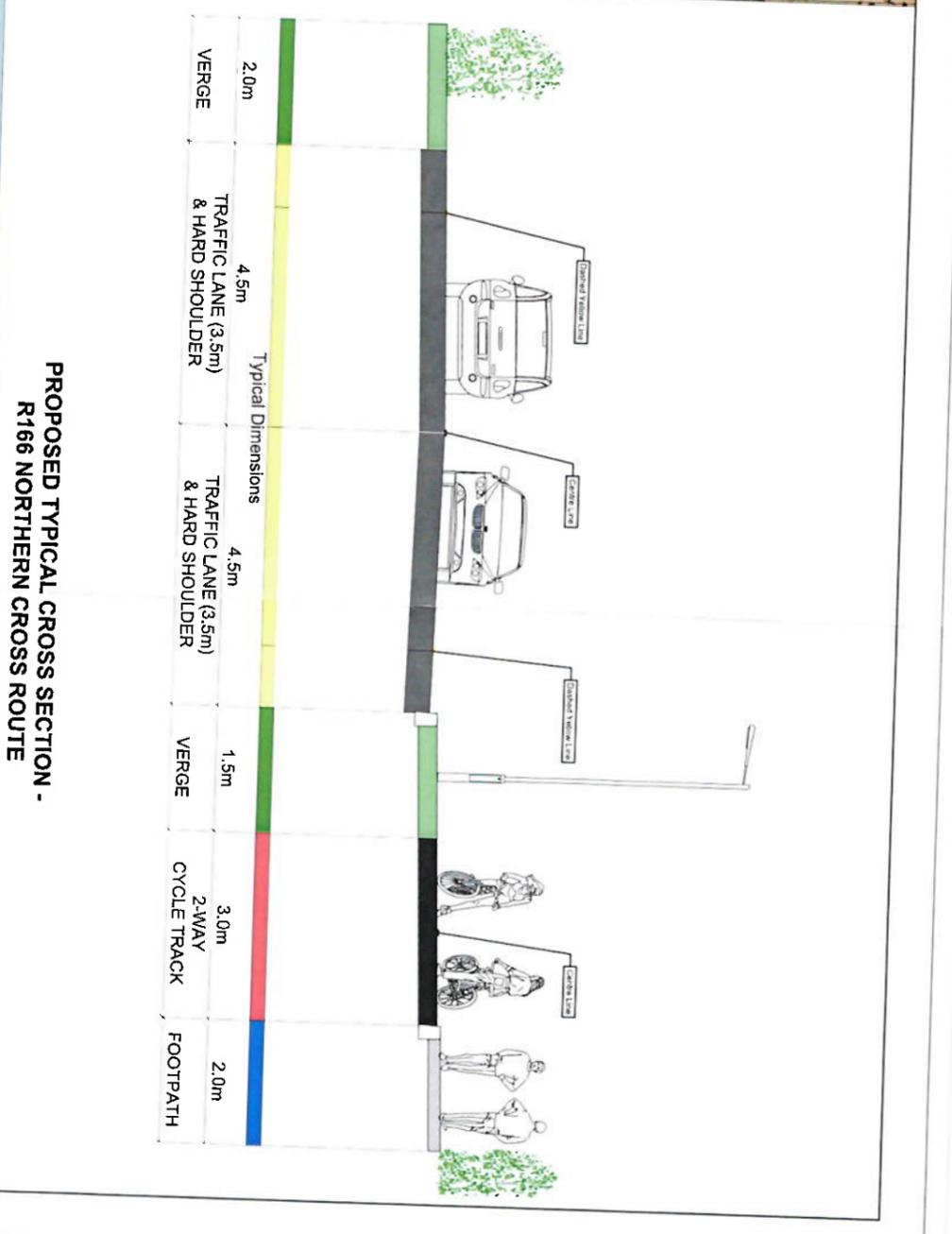
(i) Hard copies, dxf and dwt will form a controlled issue of the drawing. All other formats, including electronic, shall be deemed to be uncontrolled issues and any work carried out based on these is at the recipient's own risk. RPS will not accept any responsibility for the use of these files, either by human error or the use of the un-dimensioned measurements, compatibility with recipient's software, and any errors arising when these files are used to aid the recipient's drawing production, or setting out on site.

(ii) DO NOT SCALE: use figured dimensions only.

(iii) This drawing is the property of RPS, it is a project confidential document. It must not be copied, used, or its contents disclosed, in any form or by any means, without the prior written consent of RPS. RPS must be considered when working with this drawing.

(iv) Information including topographical survey, geotechnical investigation and utility detail used in the design have been provided by others.

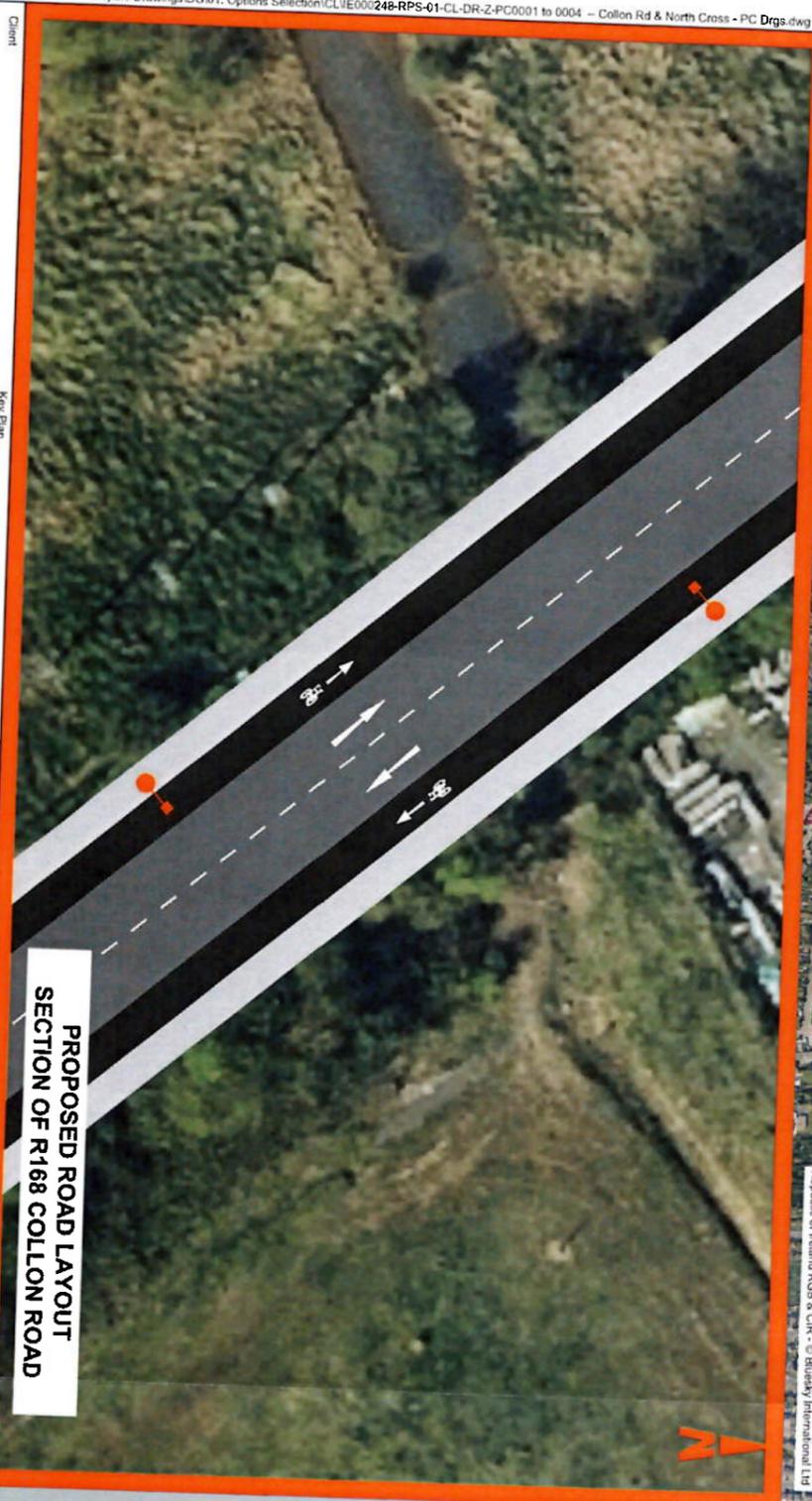
(v) All Levels refer to Ordnance Survey Datum, Malin Head.



Rev	Date	By	Amendment / Issue	App	File Identifier	Scale	Project	Drawing Number	Status	Rev
P01	03/02/22	CS	FOR INFORMATION	CS	IE000248-RPS-01-CL-DR-Z-PC0001 to 0004	NTS @ A1 NTS @ A3	ACTIVE TRAVEL PROJECTS R166 NORTHERN CROSS ROUTE PUBLIC CONSULTATION EMERGING PREFERRED OPTION	IE000248-RPS-01-CL-DR-Z-PC0002	S2	P01

Client: National Transport Authority

© Ordnance Survey Ireland. All rights reserved. Licence Number: 2022-20/CIAA/Land/County/Council

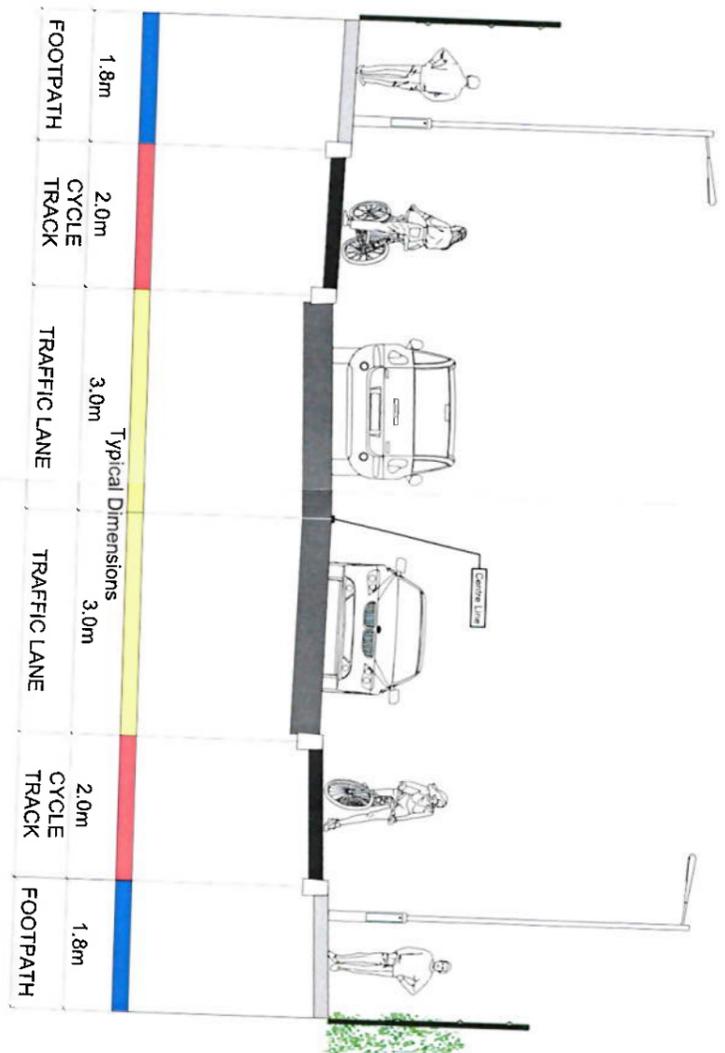


PROPOSED SCHEME LOCATION

PROPOSED ROAD LAYOUT SECTION OF R168 COLLON ROAD



R168 COLLON ROAD



PROPOSED TYPICAL CROSS SECTION - R168 COLLON RD

Client

Key Plan

General Notes

- (i) Plans, sections, elevations and profiles are the property of RPS. It is a project confidential document. It must not be copied, reproduced, disseminated, or used for any other purpose without the prior written consent of RPS. RPS shall not be held responsible for any errors or omissions in this drawing, including those caused by third parties, or for any consequences arising from the use of this drawing, including those caused by third parties, or for any consequences arising from the use of this drawing, including those caused by third parties.
- (ii) DO NOT SCALE: use figured dimensions only.
- (iii) This drawing is the property of RPS. It is a project confidential document. It must not be copied, reproduced, disseminated, or used for any other purpose without the prior written consent of RPS. RPS shall not be held responsible for any errors or omissions in this drawing, including those caused by third parties, or for any consequences arising from the use of this drawing, including those caused by third parties.
- (iv) Information including topographical survey, geotechnical investigation and utility details used in the design have been provided by others.
- (v) All levels refer to Ordnance Survey Datum, Mean Head.

Rev	Date	By	Amendment / Issue	App	File Identifier	Scale	Project
P01	3/09/23	JK	FOR INFORMATION	JK	IE000248-RPS-01-CL-DR-Z-PC0001 to 0004	NIS @ A1 NIS @ AS	DROGHEDA ACTIVE TRAVEL PROJECTS
<p>RPS West Pier Business Campus Dan Laoighairne Co. Dublin T: +353 1 4882800 F: +353 1 2855976 W: www.rpsgroup.com/ireland E: ireland@rpsgroup.com</p>						Checked on 06/03/2023	Collon Road PUBLIC CONSULTATION EMERGING PREFERRED OPTION
<p>Drawing Number: IE000248-RPS-01-CL-DR-Z-PC0001</p>						Status: S2	Rev: P01

10