

File With

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SECTION 131 FORM

Appeal No

ABP— 319281-24

Defer Re O/H

Having considered the contents of the submission dated/received 21/05/2024 from Eugene Kearney, Sadbh and Eilis de Buitléir Kearney I recommend that section 131 of the Planning and Development Act, 2000 be/not be invoked at this stage for the following reason(s):

no new material issues

Section 131 not to be invoked at this stage.

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

Signed

Pat [Signature]

EO

Date

27/05/2024

Signed

[Empty box]

SEO/SAO

Date

[Empty box]

M

Please prepare BP — Section 131 notice enclosing a copy of the attached submission.

To

[Empty box]

Task No

[Empty box]

Allow 2/3/4 weeks

BP

Signed

[Empty box]

EO

Date

[Empty box]

Signed

[Empty box]

AA

Date

[Empty box]

P. Buckley



Planning Appeal Online Observation

Online Reference
NPA-OBS-003468

Online Observation Details

Contact Name	Lodgement Date	Case Number / Description
Eugene, Eilís, Sadbh Kearney, de Buitléir-Kearney	21/05/2024 15:35:21	319281

Payment Details

Payment Method	Cardholder Name	Payment Amount
Online Payment	Eugene Kearney	€50.00

Processing Section

S.131 Consideration Required

Yes — See attached 131 Form

N/A — Invalid

Signed

Date

EO

01/05/24: 21/05/24 ✓

B23 (amended) to issue

Fee Refund Requisition

Please Arrange a Refund of Fee of

€ 50

Lodgement No

LDG— 072241-24

Reason for Refund

Valid response - no fee required.

Documents Returned to Observer

Yes No

Request Emailed to Senior Executive Officer for Approval

Yes No

Signed

Pat B
EO

Date

27/05/2024

Finance Section

Payment Reference

ch_3PltmfB1CW0EN5FC1L1j8GwZ

Checked Against Fee Income Online

EO/AA (Accounts Section)

Amount

€

Refund Date

Authorised By (1)

SEO (Finance)

Authorised By (2)

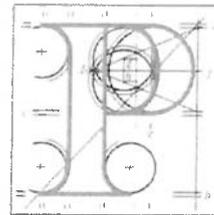
Chief Officer/Director of Corporate Affairs/SAO/Board Member

Date

Date

Our Case Number: ABP-319281-24

Planning Authority Reference Number: 2360115



**An
Bord
Pleanála**

Eugene Kearney, Sadbh and Eilís de Buitléir-Kearney
The Orchard
Rosehall
Killineer
Drogheda
Co. Louth

Date: 28 May 2024

Re: Construction of approx. 5,719 sq. m. gross floor area (GFA) main building to house hot dip metal galvanising plant and all associated site works. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) were submitted with the application. The proposed development will require an Industrial Emissions (IE) Licence under the EPA Act 1992, as amended.
Mell, Drogheda, Co. Louth

Dear Sir / Madam,

An Bord Pleanála has received your submission in relation to the above-mentioned appeal.

Please note that there is no requirement to pay a fee when making a submission in response to a request from the Board.

A refund will be made to the credit/debit card used to make the online observation.

Yours faithfully,

A. McNally
Anthony McNally
Administrative Assistant

BP23

Teil (01) 858 8100
Glaó Áitiúil 1800 275 175
Facs (01) 872 2684
Láithreán Gréasáin www.pleanala.ie
Ríomhphost bord@pleanala.ie

64 Sráid Maoilbhríde 64 Marlborough Street
Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902

Reference no. ABP-319281-24

21 May 2024

By email

An Bord Pleanála

appeals@pleanala.ie

Regarding: Permission for development including: 1) Construction of approx. 5,719 sq.m. gross floor area (GFA) main building, to house hot dip metal galvanising plant, machinery and associated works and containing materials loading and unloading areas, chemicals storage areas, and staff welfare facilities. The main building will be in two main sections, both single storey, consisting of a northern section of approx. 2,636 sq.m. GFA and a southern section of approx. 2,404 sq.m. GFA, with maximum heights above finished ground levels of 17.30m and 14.55m, respectively, together with an approx. 679 sq.m. GFA two storey over basement section with a maximum height above finished ground level of 8.90m, adjoining the east of the northern section. The main building will include 4 no. emissions stacks located on the roof of the northern section of the building, each rising to a height of 2.7m above the maximum height of the northern section, and 1 no. emission vent located on the western side of the northern section of the building, at a height of 7.2m above finished ground level. 2) Construction of approx. 298 sq.m. GFA two storey office building to be located to north of main building, containing main reception area and general offices. 3) Provision of hardstanding area, processed and unprocessed materials storage areas and HGV/trailer parking spaces. 4) Provision of vehicular and pedestrian entrance. 5) Provision of 110 car parking spaces, including 7 EV charging points, and 20 bicycle spaces. 6) Provision of internal access road. 7) Provision of 2 no. weighbridges 8) Installation of 2 no. LPG tanks, 9) Construction of ESB substation within the main building. 10) Provision of bunded fuel storage area. 11) Provision of stormwater drainage and treatment infrastructure, including permeable paving, attenuation unit, infiltration area, rainwater harvesting tanks and ass. works. 12) Site landscaping works, including raised soil berm on part of the western boundary of the site with a max. ht. of approx. 3m above finished ground level. 13) Firewater retention infrastructure. 14) Provision of site security fencing and entrance walls and gates. 15) Provision of signage. 16) Provision of site lighting. 17) And all ancillary site development works. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) will be submitted with the application. The proposed development will require an Industrial Emissions (IE) Licence, under the EPA Act 1992, as amended

Development address: Mell, Drogheda, Co Louth

Name of Appellant: Sadbh de Buitléir-Kearney Eilís de Buitléir-Kearney and
Eugene Kearney

Address of Appellants: The Orchard, Rosehall, Killineer Drogheda Co. Louth

We wish to comment on the latest submission from Hibernia Steel regarding this planning appeal, and comments made to Louth County Council

Firstly, we refer you to our comments on our original appeal.

This application is premature. This is clearly evidenced in the applicants confusion as to whether the proposed development qualifies as heavy industry or not. The applicant has accepted, up until this point, that it is heavy industry. Now they seem unsure. We can only assume that this is because they are aware that the site is unsuitable for heavy industry and wish to have the plant considered as light industry.

Siting heavy industry next to residential areas and sensitive water sources is utterly inappropriate, and contrary to good planning. All planning authorities would regard hot-dip galvanising, an industry with significant environmental impacts, as heavy industry. This is in opposition to the site's initial designation as Industry (general), a category containing activities which would not have this polluting effect on the environment.

As the proposed development is, without a doubt, heavy industry which is inappropriate to the site, the appeal should be allowed and permission refused.

Hibernia Steel have said that there will be no loads of abnormal length (greater than 14.5m) carried to or from the facility.

This ignores the reality that double dipping in galvanising is common, which would bring the potential lengths of loads closer to 30m in length. We note that while Hibernia have suggested that they will not double-dip, they have not guaranteed that they will not do so. We therefore ask that if our appeal is refused, it be made a condition that all loads will be of a length that can be carried on a regular HGV ie. 14.5m.

At point 3.4.7 in Hibernia's response to our appeal, "There are known plans to provide the requisite infrastructure to serve the business Park", and in 3.45 they relying on the IDA to provide "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"

On one hand Hibernia are arguing that theirs is a standalone application, which should not be considered in light of the proposed development of the IDA business park. On the other hand, they are relying heavily on the provision of significant infrastructure as part of the development of that business park.

We still have not been able to access a copy of an adequate Masterplan for this development.

The developer states that this application does not involve project splitting, yet it will be accessed through the IDA Business Park. We could go on, but this seems to prove the point clearly enough.

Hibernia Steel have not examined alternative locations with the rigour required by law. In their further information response to Louth County Council, and to An Bord Planeála, they manage to both focus on the importance of a site's proximity to their Grangegeeth location in Co. Meath, but also state that the proximity is not so important. Which of these is true is unclear.

The waiting time to have a product galvanised is very short at galvanising facilities around the country, which suggests that the market is not undersupplied by galvanising plants. Hibernia emphasise the importance of proximity to their Grangegeeth facility, while at the same time stating that they hope to attract business from other parts of Ireland, as well as Northern Ireland, which would seem to suggest that proximity to Grangegeeth is not important, and that it was used simply to exclude alternative sites.

We would like again to reiterate the impact of this heavy industry on its immediate neighbours on Drakerath Lane, two households whose existence have barely been acknowledged by Hibernia. In the event that our appeal is refused, we would ask for a condition that you impose a large buffer zone of wildflower meadow and significant tree planting around these two family homes, to mitigate the effects of the grossly inappropriate heavy industry boxing them in.

Regarding the EIAR, we would refer you to the points made in other submissions. We remain very concerned about the potential impacts on the aquifer, Rosehall Reservoir, and our domestic wells. These have been dealt with in detail in a submission by our neighbour.

Hibernia Steel have suggested that they are open to using electric forklifts in place of diesel. In the event that our appeal is refused, we ask that you refuse the storage diesel on-site, and as it would be unnecessary if electric forklift trucks are used.

Yours Sincerely,

Sadbh de Buitléir-Kearney, Eilís de Buitléir-Kearney, and Eugene Kearney.