



An
Bord
Pleanála

Inspector's Report

ABP-320542-24

Development	Construction of wind turbine with all associated site works. Application relates to development with an Industrial Emissions Discharge (IED) Licence.
Location	Wuxi Biologics Ireland Limited, Dundalk Science and Technology Park, Mullagharlin, Dundalk, Co. Louth, A91 X56F
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2360356
Applicant(s)	WuXi Biologics Ireland Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant subject to 13 conditions
Type of Appeal	Third Party
Appellant(s)	John G. McDonald Aundrine Milton
Observer(s)	Alan & Kim Rust
Date of Site Inspection	08/10/24
Inspector	Hugh O'Neill

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1.0 Site Location and Description

- 1.1. The site consists of disturbed/made ground in an area of ongoing construction work associated with a large biopharmaceutical plant (WuXi) in the Dundalk IDA Science and technology park.
- 1.2. The site is approximately 4km south of Dundalk town centre and circa 1km east of Junction 16 (inner relief road) on the M1 and circa 500 east of the Dublin Belfast Trainline. Site area is given as 1.160 ha. Other site areas are quoted elsewhere in the supporting documentation.
- 1.3. Existing ground levels at the proposed turbine location range from 18.42mOD to 25.05mOD due to the presence of the mounds planted with native and indigenous tree species as part of landscaping formed during the construction of the WuXi plant.
- 1.4. Extensive car parking to the west of the proposed turbine separates the proposal from the WuXi pharma and vaccine plants. A roadway to an IDA pumping station bounds the site to the east. An historic townland boundary of long standing biodiverse hedgerow forms the other side of the roadway with an arable field beyond. The north of the site consists of ground disturbed by recent construction activity, surface water attenuation and roads. The landscaped berm planted with mixed native and indigenous tree species is becoming established as a significant area of woodland and is beginning to dominate the character of the immediate vicinity.
- 1.5. The WuXi plant contains an activity which holds an Industrial Emissions Discharge (IED) Licence (Licence No. P1122-01)

2.0 Proposed Development

- 2.1. Construction and operation of one number 125m (to blade tip) 3MW Wind Turbine, consisting of a hub height of 80 meters and blade radius 45 meters. Underground ducting connecting to the existing ESB substation.

Tip height	125m
Hub height	80m

Blade radius	45m
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Table 1: Proposed turbine dimensions

- 2.2. The construction phase includes the proposed removal of a section of existing landscaped berm, excavation and construction of substantial foundations and the construction of a haul road and crane hard stand pad to access the site and operate a crane for lifting the turbine components. Trenching for the provision of ducted cables is also required.
- 2.3. No export of electricity to the grid is proposed from the wind turbine.

3.0 Planning Authority Decision

3.1. Decision

Granted subject to 13 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

A planning report set out the policy and physical context and undertook and assessment of the proposal concluding the that further information was required. Further information was sought regarding siting of the proposal relative to residential properties with regard to shadow flicker, further bat survey, stormwater and a reconsideration of Appropriate Assessment.

A further planning report set out satisfaction with the responses concluding with a recommendation for a grant of permission.

3.2.2. Other Technical Reports

The following sections of Louth County Council reported and recommended a grant of permission subject to conditions:

- Placemaking and Physical development section
- Environment
- Infrastructure

3.2.3. Conditions

- Condition 3 imposed a limit of shadow flicker at permitted dwellings or other sensitive receptors of 30 mins/day or 30 hrs/year.
- Condition 5c limited noise at the nearest house to 45db (A) during daytime and 43db (A) night time.

3.3. Prescribed Bodies

No prescribed body reports.

3.4. Third Party Observations

27 submissions were received by the Planning Authority within the initial 5 week consultation period raising concerns regarding:

- Visual impact
- Noise impact
- Shadow Flicker
- Health and safety
- Height
- Devaluation of Property
- Impacts on Birds and Bats
- Electromagnetic interference
- Solar power as an alternative
- Piling
- Community consultation

4.0 Planning History

4.1. Site

99/433 IDA were granted permission for site development and landscape works this application was in the form of a masterplan (EIS submitted).

08/822 – Planning permission granted for an Advance Biopharmaceutical and Knowledge Industry Campus. (EIS submitted) 08/187 – Extension of duration of planning permission reg. ref. 08/822 granted.

12/451 c. 600m north east of application site. IDA were granted permission for the erection of 1 no wind turbine with hub height of up to 65m, blade radius of up to 28m careful consideration and expert opinion on waterbird collision with turbine in the submitted NIS.

18/187 Permission granted to develop an Advance Biopharmaceutical and Knowledge Industry Campus to include the construction of two advance manufacturing facilities

18/817 – permission granted for amendments to the permitted development (LCC Reg. Ref. 08/822)

19/861–Permission granted for a three storey Pharmaceutical manufacturing facility C. 15,520 sqm C. 26 m high with roof plant and stacks. Four storey Administration and Laboratory building C. 8,789 sqm 22.5 m high with roof plant and stacks. Two storey modular support laboratory C. 820 sqm with various other structures facilities and services. NIS and EIAR.

20/148 –permission granted for revision and reconfiguration of the existing Planning Permission (Reg. Ref. No. 19/861).

21/257 Retention permission and permission for development that consists of the application seeking amendments to the permitted development (Louth County Council Reg. Ref 08/822).

20/750 Permission granted for the reconfiguration of rear yard.

4.2. Live application at time of writing

24/60213 WuXi applied for an Effluent Balancing and Resource Recovery Plant on a site of 7.888 hectares to the south of the Pharma plant. Further Information relating to Archaeological impacts was requested and responded to with clarification required which was received 04/10/2024.

I do not anticipate that a decision on this live application will have any material bearing on the Boards consideration of the subject application.

5.0 Policy Context

5.1. National Planning Framework

National Policy Objective 55: 'Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.'

5.2. Section 28 guidelines

5.2.1. Wind Energy Development Guidelines (2006)

The Guidelines are intended to ensure consistency of approach in the identification of suitable locations for wind energy developments and acknowledge that the siting of developments is an important consideration.

Section 5.6 addresses noise impacts, which should be assessed by reference to the nature and character of noise sensitive locations. The guidelines set increases and absolute noise levels considered to be appropriate to provide protection to the neighbours of wind energy development. Reference is made to a 500m separation distance between turbines and residential properties, the best practice in design of turbines with regard to noise suppression is also referenced.

Shadow Flicker:

Section 5.12 sets out that good planning and the use of software can avoid the possibility of shadow flicker. The guidelines make a recommendation that shadow flicker for offices and dwellings within 500m should not exceed 30 hrs per year or 30 mins per day. This section of the guidelines also state that at a distance of 10 times the rotor diameter the potential for shadow flicker is very low.

Where shadow flicker could be a problem, developers should provide calculations to quantify the effect and where appropriate take measures to prevent or ameliorate the potential effect, such as by turning off a particular turbine at certain times.

7.14 Shadow Flicker

Shadow flicker is not usually critical. However, in unusual circumstances, where the calculations indicate that occupied dwelling houses would be significantly affected, a condition requiring the non-operation of turbines at times when predicted shadow flicker might adversely impact on any inhabited dwelling within 500m of a turbine may be appropriate.

Conditions may also address limits on the number of hours per year or minutes per day that the shadow flicker should affect an inhabited dwelling (see paragraph 5.12).

Chapter 6 relates to aesthetic considerations in siting and design.

5.3. Draft revised Wind Energy Development Guidelines December 2019

Notwithstanding the text set out under the heading of purpose and status of guidelines they are taken not to have the status of having been issued under section 28 and will for that reason not be taken into account in any decision. However, regard is had to provisions therein for the purpose of assessment of the proposal.

The Draft Guidelines propose several key amendments to the original document in relation to noise, visual amenity, shadow flicker and community engagement. The application of more stringent noise limits in line with WHO noise standards together with a more robust noise monitoring system and reporting system is proposed. The 500m setback from houses is retained but augmented by a setback of 4 x turbine height from sensitive receptors.

Section 5.8.2 contains the following statement regarding shadow flicker:

The planning authority or An Bord Pleanála should impose condition(s) to ensure that no existing dwelling or other affected property will experience shadow flicker as a result of the wind energy development

7.16 SHADOW FLICKER

A condition should be attached to all planning permissions for wind energy development to ensure that there will be no shadow flicker at any existing nearby dwelling or other relevant existing affected sensitive property and that the necessary measures outlined in the shadow flicker assessment submitted with the application, such as turbine shut down during the associated time periods, should be taken by the wind energy developer or operator to eliminate the shadow flicker.

Section 1.2 of these draft guidelines sets out the policy context at the time of publication including the policy imperative of addressing energy challenges. However the guidelines prior to setting out the policy context for the safeguarding of our landscape, Natural Heritage and Built environment states the following:

Notwithstanding the clear benefits of promoting wind energy development in the context of tackling climate change, a balance needs to be struck in order to ensure that wind energy development does not materially affect our natural and built environment, as well the amenity of those who inhabit and visit our country. International, European and national legislation and guidance in this regard must be considered when local authorities are preparing their development plans and assessing planning applications relating to wind energy development.

Reference to guidelines for consideration of bats in windfarm projects (2014) arising from agreements ratified by Ireland are noted in this section of the Guidelines.

5.4. Eastern and Midlands Regional Spatial and Economic Strategy (RSES) 2020-2032

The Strategy supports an increase in the amount of new renewable energy sources in the Region including wind energy on appropriate sites in accordance with National policy and the Regional Policy Objectives.

5.5. Louth County Development Plan 2021-2027

The lands are zoned E2 – Business and Technology in the Louth County Development Plan 2021-2027. The objective of which is *“to provide for office, research and development and high technology/ high technology manufacturing type employment.”*

The site is located within an area preferred for wind energy development. – see Map 10.1

Chapter 10: Infrastructure and Public Utilities,

10.5 Energy

Policy IU 49 seeks to *“support international, national and County initiatives for limiting and reducing emissions of greenhouse gases through energy efficiency and the development of*

renewable energy sources at suitable locations, utilising the natural resources of the County, in an environmentally acceptable manner subject to normal proper planning considerations including in particular the impact on areas of environmental or landscape sensitivity”

Section 10.6 Wind Energy.

Policy Objective IU 58: To promote the location of wind farms and wind energy infrastructure in the ‘preferred areas’ as outlined on Map 10.1, to prohibit such infrastructure in areas identified as ‘no-go areas’ and to consider, subject to appropriate assessment, the location of wind generating infrastructure in areas ‘open for consideration’

Policy Objective IU 59: To favourably consider small scale wind energy development for auto consumption purposes, that accord with the proper planning and sustainable development of the area including residential amenity, heritage, environmental and landscape impacts

Policy IU 75 seeks “To promote and facilitate the development of small scale electricity generation installations and green technologies which do not negatively impact on environmental quality, landscape, wildlife and habitats and residential amenities”. The purpose of the turbine is to generate electricity for the Wuxi buildings on campus. Section 10.11.1 outlines Guidelines for sustainable Design and energy efficiency in buildings.

10.11.9 Wind Energy

The use of wind turbines to provide a self-sufficient power source or to supply power in combination with other energy sources merits investigation for any large scale development. The use of these technologies should be incorporated into the design of buildings from the outset. Proposals for the provision of small and medium size wind turbines, which fall outside the exempted development categories, will be favourably considered by the Council provided that they do not significantly impact on visual or residential amenities of the area.

Considerations will include: The visual impact of the development must be considered and therefore matters such as turbine siting, cables, channels will be required to be addressed; Any potential impact upon residential amenity will also be a consideration in any determination;

Designated viewpoints Map 8.17 as listed for Dundalk in the Louth County Development Plan 2021 – 2027 (as varied).

5.6. **Draft Dundalk Local Area Plan 2024 – 2030**

5.7. The Chief Executive's report on submission to the Draft LAP 2024-2030 which incorporates the subject site was published on 09/10/24. Following consideration of the Chief Executives report the elected members have the option of amending the LAP as proposed by the executive. In the event of a revised zoning or other objective of the LAP on adoption being in conflict with a provision of the County Development Plan as referenced above the provision of the CDP will take precedence.

5.8. The site is zoned 'E2: Business and Technology' in the LAP as proposed.

5.9. **Mullagharlin Masterplan July 2024 (Louth County Council)**

At section 1.2.10 the masterplan states:

As part of the decarbonisation of the electricity network it is recognised that businesses may seek to install renewable technologies such as solar or wind to generate electricity. This Masterplan supports the construction and installation of such technologies subject to compliance with the relevant planning and environmental policy and criteria.

5.10. **DUNDALK & ENVIRONS DEVELOPMENT PLAN 2009 – 2015**

The site was zoned 'Employment Mixed Use'

5.11. **Natural Heritage Designations**

Approx 2.3km east of the site:

- Proposed Natural Heritage Areas: Dundalk Bay 000455
- Special Protection Areas: Dundalk Bay SPA 004026
- Special Area of Conservation: Dundalk Bay SAC 000455

Approx 3km west of site:

- Proposed Natural Heritage Areas: Stephenstown Pond 001803

Approx 6km southwest

- Proposed Natural Heritage Areas: Darver Castle Woods 001461

Approx 6.3 north west of site:

- Proposed Natural Heritage Areas: Drumcah, Toprass And Cortial Loughs 001462

Approx 8.1 north east

- Proposed Natural Heritage Areas: Trumpet Hill (Louth) 001468

Approx 9.5Km northeast

- Proposed Natural Heritage Areas: Carlingford Mountain 000453
- Special Area of Conservation: Carlingford Mountain SAC 000453

5.12. EIA Screening

- 5.12.1. Schedule 5 of the Planning and Development Act 2001 (as amended) sets out the classes of development which require environmental impact assessment. These include in Class 3 of Part 2, installation for harnessing wind power for energy production with more than 5 turbines having a total output greater than 5 megawatts. The proposed development comprises a single turbine with a total output of 3MW. As such the proposal is a sub-threshold development and does not as a matter of course require EIA.
- 5.12.2. Schedule 7A information is provided in an Environmental Impact Assessment (EIA) screening document prepared by Veon Forestry, Ecology & Environment submitted in support of the application.
- 5.12.3. As required by art.103(1B) of the Planning and Development Regulations, 2001, as amended, a preliminary examination of, at least, the nature, size or location of the development and a screening determination of this sub-threshold development is required and is set out as an appendix to this report.
- 5.12.4. As described in detail in the appendix no real likelihood of significant environmental effects has been identified and the need for EIA is therefore excluded by way of the screening determination that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

6.0 The Appeal

3rd party appeals were received from:

- John G McDonald
- Aundrine Milton

6.1. Grounds of Appeal

- Sensitivity of the area now and future
- Contrary to 2006 wind energy guidelines
- Noise impacts
 - Residential
 - Schools including special needs children
 - Human health impacts
 - GAA Club
- Safety
 - Risk of
 - Blade throw
 - Turbine Topple
 - Arc flashes
 - Fire
 - On
 - Residents of the area
 - Schools
 - Sport clubs
 - Dublin Belfast trainline
- Visual Impact

- Of turbine
- Of removal of screening berms/mounds
- Submitted visual impact assessment flawed as relies on foliage on trees
- Inaccuracies in impact assessment report
- Aeronautical red light in combination with existing light pollution
- Conflict with planned residential expansion of the area.
- Electromagnetic interference with mobile phone communications in particular
- Shadow Flicker effect
 - Exceedance of 30hours per year in 17 properties
 - Modelling based on historical data out of date due to climate change
- Wildlife
 - Birds
 - Mammals
- Precedent
 - Liffey meads Ballyjamesduff refusal 309478
 - referenced legal cases in Wexford and France
- EIAR screening wrong

6.2. **Applicant Response**

- 6.3. Precautionary predictive noise modelling confirms compliance with 2006 guideline limits. Monitoring and further adjustment of operating restrictions will be undertaken by the developer in accordance with conditions.
- 6.4. The applicant reiterates the dominance of traffic noise in the existing noise baseline.
- 6.5. The response makes a case that research by WHO and others has found no direct link between wind turbine noise and adverse health effects.
- 6.6. The response states that there is insufficient direct evidence to draw any conclusions on an association between shadow flicker produced by wind farms or

electromagnetic radiation and health effects. However the response confirms that modelling of potential shadow flicker was conservative and the turbine will be programmed and monitored to switch off in periods when shadow flicker is likely to occur. In addition there will be a sensor on the Nacelle which will switch off the turbine when low level sunlight hits it mitigating the risk of shadow flicker.

- 6.7. The response disregards the precedents referenced as not being comparable to the proposal for one turbine within a semi-industrial context with a significant existing noise baseline.
- 6.8. The visual impact of the turbine is acknowledged, reference is made to the context and the successful integration of the DITK turbine onto the local environment over time. The applicant response states that mitigation by way of further planting will be undertaken.
- 6.9. The case is made that the impact of a single turbine is significantly less than that of a multi turbine windfarm and that following assessment no issues of significance had been identified.
- 6.10. In the unlikely event that electromagnetic interference arises in operation a number of identified mitigations are set out which will be put in place by the developer.
- 6.11. The response catalogues various engagements with the community regarding the project.

6.12. Planning Authority Response

The Planning Authority respond that the points raised in appeal are addressed in planners report.

6.13. Observations

1 no observation from Alan and Kim Rust

- Noise
- Visual impact- height
 - Impact assessment undertaken based on leaves on trees.
 - The visual impact not acceptable in the immediate and wider vicinity.

- Shadow flicker,
 - separation distances inadequate
 - concerns set out regarding use of meteorological data in calculations
 - submitted shadow flicker report takes the 30 hrs/year into account but not the 30mins per day
 - the operation manual for the proposed turbine states that persons do not stay within 400m of the turbine unless necessary. There are 7 houses within 400m
- Submitted EIAR screening report
 - The suggestion that there will be no noise impact is incorrect
 - Risk of accidents not correctly answered
 - The extent of visibility under stated
 - The applicant has failed to demonstrate that there will not be a substantial impact on the community and houses closest to the proposed development.
 - Sensitive land uses potentially affected by the development have not been adequately described by the applicant.
 - Savings by displacing energy imported as referenced by the applicant is contradicting the statement that there are no plans to export excess energy to the grid.
 - Devaluation of houses is raised as a concern.

7.0 **Assessment**

I have inspected the appeal site and surrounding area, I have considered the receiving environment, examined the application details, relevant national guidance and local planning policies and all other documentation on file and I consider the issues arising are:

- Principle

- Noise
- Shadow Flicker
- Visual and landscape impacts
- Human Health Impacts
- Biodiversity impacts
- Impact on amenity residential and other (school and GAA club)
- EIA screening
- Electromagnetic interference
- Contrary to 2006 guidelines

7.1. Principle.

7.2. The proposed wind turbine is of significant scale with a tip of blade height at 125m above ground level with an energy production capacity of 3MW. The turbine is a development ancillary to the permitted and established industrial use of the site.

7.3. The principle of industrial development on the subject IDA owned lands was established by the zoning of the lands for E2 Enterprise and Employment development in the Louth County Development Plan 2021-2027.

7.4. The development of the WuXi biopharmaceutical manufacturing facility was established under the parent permissions Ref. No's. 19/861 and 20/148.

7.5. The provision of a wind turbine is not specifically noted or listed as being generally permitted or open for consideration on E2 zoning. However, the area is determined to be suitable for wind turbines subject to normal planning criteria as set out in Map 10.1 of the CDP.

7.6. The principle of the development is accepted subject to the assessment of specific issues set out below.

7.7. Noise.

7.8. A noise assessment undertaken by Damian Brosnan Acoustics was submitted in support of the planning application. The assessment report describes the receiving

environment, identifies sensitive receptors noting 27 dwellings within 500 metres and the closest at 350 metres from the proposed turbine.

- 7.9. Existing background noise levels sources in the area are notable including the M1, the N52/R125, road junctions, train line and the WuXi facilities. The results of noise monitoring for Industrial Licence Emission compliance are presented as the basis for exclusion of the area for consideration as a quiet area for application of more restrictive noise standards. The exclusion of the area as a quiet area for the purpose of this assessment is accepted.
- 7.10. The proposed turbine can be operated in 5 separate modes for the purpose of limiting the levels of noise generation in varying wind conditions. Mode 0 is the least curtailed and mode 4 is the most curtailed. The applicant proposes operating the turbine in mode 2 during the day and mode 3 at night. The submitted noise model outputs demonstrate that in the worst case scenario (all receptors downwind) the proposal operated in these modes will comply with the 45dB daytime and 43dB night time noise limits ($L_{AF90\ 10\ min}$) at sensitive receptors as set by the 2006 Wind Energy Guidelines.
- 7.11. Notwithstanding the reference to the Industrial Emissions Discharge Licence (EDL) in the development description, the use of noise monitoring data generated therefrom to establish the baseline, and consideration of cumulation of noise impacts, it is noted that the proposed turbine falls outside of both the area and the processes subject to the license.
- 7.12. Modelling predicts that of the 67 receptors modelled the residential properties referenced as R33 to R36 inclusive, approx. 350m south of the proposal will be exposed to the highest levels of noise from the turbine. The model demonstrates noise at these locations could reach but not exceed the prescribed limits during both during the day and at nighttime. Model assumptions include that all receptors are always downwind of the turbine. Residential properties R33 to R36 are part of the Brookfield housing development to the south (upwind of prevailing wind direction) of the proposed turbine location.
- 7.13. The Fursey National School and GAA club are located further to the south than the Brookfield estate, modelled noise exposure consequently fall further below the prescribed limits.

- 7.14. The submitted noise assessment includes the statement that any requirement to provide for increasing limits with increasing wind speed will be assessed during the commissioning noise survey, with the benefit of detailed hub height wind speed data. The noise report concludes: *On the basis of the above, daytime and night-time absolute limits of 45 and 43 dB respectively are considered appropriate, up to 10 m/s. These limits apply externally in the curtilage of local receptors. The ETSU document defines daytime as 0700-2300 h and night-time as 2300-0700h.*
- 7.15. It is stated and has been demonstrated in the application that the proposal will operate within limits proposed, and as prescribed by the 2006 Wind Energy Guidelines. Monitoring is proposed to validate and verify the model and confirm and demonstrate compliance over time. It is therefore not considered that the proposal will lead to a significant negative impact on identified receptors sensitive to noise impacts as set out in the 2006 Wind Energy Guidelines.
- 7.16. Should the Board be minded to grant permission, I recommend that a condition be attached requiring that, noise levels measured externally at residential properties shall not exceed the noise impacts as modelled and presented for each receptor in table 4 of the submitted noise impact assessment which is a limit consistent with the above referenced standards.
- 7.17. In conclusion I consider that the development as proposed would not significantly affect the residential amenity of adjoining properties by reason of noise.
- 7.18. **Shadow Flicker.**
- 7.19. The shadow flicker report submitted with the application contains modelling, discussion and analysis of potential shadow flicker arising on sensitive receptors within a 500m radius of the turbine. This buffer is based on exceedance limits described for receptors within 500m in section 5.12 of the Department of the Environment, Heritage and Local Government Guidelines on Wind Energy. The report contains mapping that clearly indicates the risk of significant shadow flicker beyond the 500m radius but the report contains no discussion in this regard.
- 7.20. The modelling undertaken assumes the sun is shining all day, the rotor plane is always perpendicular to the line from the turbine to the sun and that the turbine is

always operational. These assumptions are considered to represent an appropriately precautionary approach.

- 7.21. The text of the report describes the impact on 26 properties modelled (within 500m). 16 receptors exceed 30 hours per year and 17 exceed a 30 minutes per day. A significant impact in terms of both the daily and annual metrics is noted on existing WuXi buildings.
- 7.22. 2 maps are presented as appendices to the report setting out the spatial distribution of maximum hours per year and minutes per day exposure of receptors to shadow flicker. It is clear from these maps that the 30min/day and 30hr/year are exceeded by properties outside of the 500m buffer. In the event of the Bord being minded to grant permission a condition should be applied by way of mitigation to address the shadow flicker regardless of the location of the property relative to the 500m buffer.
- 7.23. Notwithstanding the identified risk and extent of shadow flicker within and outside the 500m buffer the applicant has in response to Further Information received by LCC 26/06/24 committed to *installing mitigation measures that will eliminate shadow flicker. The turbine will be programmed to shut down during periods when shadow flicker is predicted to occur.* The commitment was repeated in the applicant response to the appeal.
- 7.24. Mitigation measures proposed by the applicant, include monitoring over a 12 month period, publication of detailed records and details of community engagement all to be made available to the planning authority.
- 7.25. I am satisfied that in the event of a grant of permission, subject to a condition requiring shut down as mitigation of the risk as proposed by the applicant that there will be no significant effects on the residential amenity arising from shadow flicker.
- 7.26. **Visual Impact and landscape.**
- 7.27. The visual and landscape impact analysis by entrust, for enerpower identified 18 selected viewpoints with the potential for views of the turbine. Analysis was undertaken of these locations including photomontages which determined that the turbine could only be seen from 2 of 18 locations, both of which were 10km away. As a result of the distance the impact of these views were determined to be not significant.

- 7.28. The conclusion of this report refers to the proposal as being of a *relatively small-scale and that there would be no significant impact on nearby sensitive receptors, such as neighbouring properties.*
- 7.29. Following the above referenced conclusions there are further photomontages prepared by Sunflower Solutions. These photomontages identified locations in closer proximity to the proposal from which the turbine will be visible. The relationship of these images to the Landscape Impact assessment report and its conclusions is unclear. The more proximate images although not subject to assessment in the submitted landscape impact report are of greater relevance to the assessment of the concerns of the appellants.
- 7.30. Having considered the development as proposed and having visited the site I consider the wider landscape setting to be of simple form and at a relatively low elevation contributing to a low sensitivity. I noted on site that the horizon to the west and northwest of the sites is broken by a row of electricity pylons. Telecommunications masts and the DKIT turbine to the east also contribute to a landscape status of low sensitivity to further development.
- 7.31. I consider the landscape in the immediate vicinity of the proposal, within the IDA landholding to be of low sensitivity given the landform and the scale and nature of the existing development thereon.
- 7.32. I consider the landscape sensitivity from the perspective of residential development in the vicinity to vary.
- 7.33. Strong boundaries of native hedgerows with a high density of trees of various size and age dominate local roads in much of the immediate vicinity as evidenced by the second set of photomontages. This is particularly the case to the local roads to the north and east of the site resulting in significant screening of the turbine from the residential development along these roads. The screening by this vegetation will be greater in full foliage but significant screening will be afforded in winter also. Screening from the multi-unit developments to the south and south east of the turbine is less consistent and less effective. Taking account of proximity and screening I consider the impact on visual amenity from the Brookfield estate to the south to be the greatest. However, the existing tree planting to the c. 10m high berm

to the rear (north) of this estate will mature and will over time serve to further mitigate the extent of the impact.

- 7.34. As a single turbine, the spatial extent of the impact is low with respect to potential visual impact of wind energy developments more generally. However with a tip height of 125m and blade length of 45m the scale of the turbine proposed is significant.
- 7.35. Having regard to the sensitivity of the landscape, the longstanding zoning objective of the subject lands, the planning history of the area and the magnitude of the potential impact, I consider that although there will be an impact on the visual amenity of properties in the closer vicinity of the proposal I consider this impact to be within the carrying capacity of the landscape and not to be such that it will be a significant negative impact on the residential amenity of the area or to be beyond that which could be reasonably be expected on lands zoned for Business and Technology use. I do not consider the potential visual impact to be so significant as to merit refusal of permission in the consideration of the above referenced policy context and the proper planning and sustainable development of the area.
- 7.36. **Human Health.**
- 7.37. Concerns relating to potential impacts on Human Health raised in the third party objectives relate to impacts of Noise, Shadow Flicker and potential for structural failure. The potential for noise and shadow flicker has been addressed in the assessment above.
- 7.38. Modern turbine design incorporates mechanisms that come into play under extreme weather conditions including automatic shut down in periods of excessively high wind-speeds. I am satisfied the wind turbine poses no discernible threat to the health and safety of the general public including the rail line.
- 7.39. **Biodiversity**
- 7.40. The description of the existing baseline environment is deficient in the proposal. Submitted reports contain inaccuracies and out of date assessments.

7.41. The bat survey initially submitted and as updated following further information in support of the application is inadequate to fully inform an assessment of the potential impacts on bats of the proposed development. However, notwithstanding the deficiencies therein it is clear that the proposal will not result in direct impacts on any bat roosts, or significant foraging or commuting sites.

7.42. Potential indirect impacts arising from collision have not been addressed comprehensively in the bat survey. However taking account of the magnitude of the impact (1 turbine) relative to the sensitivity of the receptor the proposal is considered to be acceptable in the context of the probability of impacts on bats.

7.43. Amenity

7.44. The potential for the proposal to impact on the Amenity of existing residential, school, community facilities in the area insofar as it relates to noise, shadow flicker and visual impact has been addressed above.

7.45. Electromagnetic interference

7.46. In the unlikely event of Electromagnetic interference arising in operation of the turbine the applicant has set out a range of mitigations which can be applied by way of condition to any grant of permission which would address these issues in full.

7.47. Conditions attached to Planning Authority Grant

7.48. Condition number 3 which set a limit to exposure to shadow flicker has been superseded by the commitment of the developer to eliminate shadow flick entirely. This condition is therefore redundant and will be replaced with one reflecting the commitments of the developer.

7.49. Condition 5C set a limit to noise by use of a metric which has been superseded in the application of such limits. In the event of a grant of permission potential for noise should be addressed by a revised condition.

7.50. The application did not propose an operational life for the proposed turbine. The Planning Authority at condition (10) required removal of the turbine when no longer needed. Should the Bord be minded to grant permission I recommend a condition limiting the operational lifetime to 25 years in accordance with established practice to

allow for future review of operation of the turbine having regard to the circumstances then prevailing.

8.0 AA Screening

- 8.1. A screening for Appropriate Assessment is set out in Appendix 2 of this report.
- 8.2. The proposed development was considered in light of the requirements of section 177U of the planning and development Act 2000 as amended.
- 8.3. Having carried out screening for appropriate assessment of the project it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European site in view of the sites conservation objectives and appropriate assessment and submission of an NIS is therefore not required.

This determination is based on:

- the location and characteristics of the subject site.
- The scale of the development including the nature of the construction methods
- The baseline environment carrying capacity of the immediate and wider receiving environment
- The distance of the proposed development from European Sites and demonstrated lack of any ecological connections.

9.0 Recommendation

Having regard to the above it is recommended that planning permission be granted subject to conditions for the reasons and considerations set out below.

10.0 Reasons and Considerations

The proposal entails the development of a renewable energy at an appropriate location ancillary to an existing permitted industrial use. Having regard to the Business and Technology zoning objective for the area and to Map 10.1 of the Louth

County Development Plan 2021-2027 which determines the area to be suitable for Wind Development, it is considered that the proposed development would be consistent with local and national policy and, subject to compliance with the conditions below, would not significantly detract from the character of the area, would not seriously injure the residential or visual amenities of the area, would not give rise to a negative environmental impact, and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 26th day of June 2024, and particulars received by An Bord Pleanála on 10th September 2024 from the applicant except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The permission shall be for a period of 25 years from the date of the first commissioning of the wind turbine. All structures, shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.

(b) Prior to the commencement of development, a detailed Site Restoration Plan providing for the removal of the turbine and all ancillary structures, and a timescale for its implementation, shall be submitted to and agreed in writing with the planning authority.

(c) On decommissioning or if the turbine ceases operation for a period of more than one year the turbines and all ancillary structures shall be dismantled and removed permanently from the site. The site shall be restored

in accordance with the agreed Site Restoration Plan and all decommissioned structures shall be removed from the site within 12 months of decommissioning.

Reason: To enable the planning authority to review the operation of the turbine over the stated time period, having regard to the circumstances then prevailing, and in the interest of landscape restoration upon cessation of the project.

3. The turbine hereby permitted shall be operated such that, the modelled turbine $L_{AF90\ 10\ min}$ levels (dB) at identified receptors as described in table 4 of the Noise assessment: *Proposed wind turbine at WuXi Biologics Ireland facility* (report, no. 403.1.1 date: 27.04.23) as received by the Planning Authority 15/09/23 are not exceeded.

Prior to commencement, the developer/operator shall submit to and agree in writing with the planning authority a Noise Compliance Monitoring Programme (NCMP). The NCMP shall include a detailed methodology for all sound measurements, including locations, duration and frequency of monitoring. The NCMP shall include a schedule for reporting and publishing results during and post commissioning minimum 6 and 12 months post commissioning.

Confirmatory monitoring to be undertaken as agreed in the NCMP, but at the latest and minimum within 3 years of commissioning. Monitoring results shall be made publicly available. The NCMP reporting shall include any mitigation measures such as restrictions to operation of the turbine where required. The NCMP shall be fully implemented for the duration of the use of the turbine.

Reason: In the interest of the amenity of noise sensitive receptors.

4. The turbine shall shutdown during periods when shadow flicker is likely to occur at dwellings in accordance with measures contained in the letter of response to the appeal received by An Bord Pleanála dated 10 September 2024. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a Shadow flicker compliance monitoring and reporting programme for the subject development. Results of monitoring at 6 month and 12 months following commissioning shall be submitted within 2 weeks of the conclusion of each period and shall include details of community engagement and details of incidences and effectiveness

of the proposed mitigation measures including details of each shutdown for prevention of shadow flicker arising within that period.

Reason: In the interest of residential amenity.

5. In the event that the proposed development causes interference with telecommunications signals, effective measures including but not limited to installation signal boosters and/or repeaters as well as adjusting operational parameters shall be introduced to minimise interference with telecommunications signals in the area. Details of these measures, which shall be at the developer's expense, shall be submitted to, and agreed in writing with, the planning authority prior to commissioning of the turbine and following consultation with the relevant authorities.

Reason: In the interest of protecting telecommunications signals and of residential amenity.

6. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

7. The wind turbine including masts and blades shall be finished externally in a colour to be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. (a) Cables within the site shall be laid underground.
(b) Transformers associated with the turbine shall be located either within the turbine mast structure or at ground level beside the mast.

Reason: In the interest of visual amenity.

9. No development shall take place until details of earthworks have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:
 - (a) Soil and subsoil cross-sections.

(b) Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed.

(c) The relationship of the proposed mounding to the existing vegetation and surrounding landform.

Reason: In the interest of residential and visual amenity.

10. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Saturday inclusive, and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

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

11. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

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

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Hugh O'Neill
Senior Planning Inspector
05 November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	320542		
Proposed Development Summary	Construction and operation of wind turbine with all associated site works.		
Development Address	Wuxi Biologics Ireland Limited, Dundalk Science and Technology Park, Mullagharlin, Dundalk, Co. Louth, A91 X56F		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes ☐	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class 3 of Part 2 installation for harnessing wind power for energy production with more than 5 turbines having a total output greater than 5 megawatts	EIA Mandatory EIAR required
No		Class 3 of Part 2 single turbine 3MW therefore subthreshold	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes		energy production with more than 5 turbines having a total output greater than 5 megawatts	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 1

EIA – Screening Determination

A. CASE DETAILS 320254		
An Bord Pleanála Case Reference 320254		
Development Summary	The proposed development comprises construction of an access track and crane pad, removal of a berm/mound, excavation for foundation construction of a foundation, erection and commissioning of a single 80m hub height 90m blade diameter wind turbine, in the WuXi pharma campus in Dundalk Science and technology park. The foundation for the turbine is 25x25m in plan the application site is given as 1.160 ha.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?		An Appropriate Assessment Screening Report was submitted with the application. A Bat Assessment Report was also submitted with the application.
5. Have any other relevant assessments of the effects on the environment		SEA and AA were undertaken in respect of the Louth County Development Plan 2021-2027

which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA		
B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	The site forms part of IDA lands zoned in the Louth County Development Plan for Business and Technology use. The site is characterised by the recently constructed WuXi biopharmaceutical and vaccine plants including roads and car parking. The production activities hold an Industrial Emissions Discharge (IED) Licence (Licence No. P1122-01). The site area is given as 1.160 ha, the footprint of the turbine foundation slab is given as 25m x 25m (400cu.m concrete and 25t steel. A haul road and a crane hardstanding pad are proposed (approximately cu.m stone). Trenching and installation of approx. 250m of ducts and cables to MV substation are proposed. The CEMP stats that approximately 1050 cubic meters of excavation work is required. The location of the foundation is currently covered by a berm/mound of material circa 4 to 6 m agl (assumed to be	No

	removed) and is currently categorised as disturbed/made ground/ongoing construction works. There is a current application with Louth County Council by WuXi for an Effluent Balancing and Resource Recovery Plant (EBRRP) on site of 7.888 hectares to the opposite side of the WuXi campus from the subject application. There are residential, agricultural, commercial and transport land uses in proximity to the proposal. Landscape setting is of simple form and at a relatively low elevation contributing to a low sensitivity. The overall area is one that is in transition from agricultural to industrial and the proposal is for that reason notwithstanding the scale is not significantly different in character to that of the existing surrounding environment.	
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The construction of the foundation for the turbine in the as indicated on drawings will necessitate the removal/relocation of a mound/berm associated with the development of the wider WuXi campus currently in the location of the proposed foundation. This will result in a return to the pre-development/agricultural topography of the site. The proposed construction has been designed to logically address potential impacts on surface water and groundwaters in the locality. The uses proposed is consistent with land uses in the area and with site zoning.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals	Construction materials will be typical for a wind turbine and are designed for end of life recovery. Materials consisting of concrete and steel for purpose of the foundation and ducting	No

or energy, especially resources which are non-renewable or in short supply?	for cables are not proposed to be recovered. The proposed development is for the utilisation of a renewable resource. The loss of natural resources as a result of the development are not regarded as significant in nature.	
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the Outline CEMP, would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction Environmental Management Plan, the project would satisfactorily mitigate the potential impacts. Operational wastes are to be managed through a waste management plan to obviate potential environmental impacts. Operational impacts in this regard are not anticipated to be significant.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Operation of the standard measures listed in the Construction Environmental Management Plan, will satisfactorily mitigate emissions from spillages during construction and operation. The operational development	No

	will discharge surface waters in accordance with SUDS principles.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures such as control of construction hours and others listed in the Construction Environmental Management Plan. There is potential for operational noise impacts, these are anticipated and mitigated by standard design and control in accordance with the Noise Impact Assessment and mitigation measures set out therein.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Construction activity is likely to give rise to dust emissions and surface water runoff. Such construction impacts would be temporary and localised in nature and the application of standard measures within the Construction Environmental Management Plan would satisfactorily address potential risks on human health. Noise pollution and potential shadow flicker have been identified as risks however standard mitigation measures are part of the proposed development to address these impacts. No significant construction or operational impacts to human health are anticipated.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	Whilst acknowledging the remote risk of catastrophic failure in operation, no significant risk is predicted having regard to the nature and scale of the development. Any risk arising from construction and construction related traffic will be localised and temporary in nature. There are no Seveso/COMAH sites in the vicinity.	No

1.10 Will the project affect the social environment (population, employment)	Development of this site would result in an increase in viability of the economic and environmental and therefore social environment. No negative social environmental impacts anticipated.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes, the proposed development forms part of a wider IDA land holding zoned for Business and Technology in the Louth County Development Plan 2021-2027 and is subject to a non-statutory masterplan by Louth County Council , but which has not as yet been submitted for approval. Cumulative effects are considered in respect of visual/landscape, water, drainage, traffic and in the NIS.	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development	The nearest European sites are Dundalk Bay SAC 000455 Circa 2.5 Km to the east, Dundalk Bay SPA 004026 Circa 2.4 Km to the east. The Conservation Objectives for these sites relate to wintering wetland birds and coastal habitats. No ground/surface water pathway has been identified. The NIS concluded that the proposed development will not adversely affect the integrity of these European sites. Other designated sites are referenced in the application AA Screening Report & NIS. The potential for significant effects on Natura 2000 sites has been screened out. Wetlands constructed as part of the WuXi industrial development are not considered to be of conservation sensitivity. The extant townland boundary to the north of the	No

plan/ LAP/ draft plan or variation of a plan	proposed site contains a significant bank of genetic diversity, no impacts are proposed on this historic boundary.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	No habitats or species of conservation significance identified within the site or in the immediate environs. The proposed development would not result in significant impacts to protected, important or sensitive species	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	The proposed development will be highly visible due to its height and location within a wider predominantly grassland and low to medium rise industrial development. The proposed development will have a impact on landscape, by reason of the height, scale and nature of the development. However, these impacts would not be so significant as to affect the wider receiving environment warranting an Environmental Impact Assessment.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	The well serviced, zoned, state owned lands represent an important material state asset. The location, small landtake and operational safety buffer are consistent with the asset and do not represent a significant impact. The former agricultural use has already been displaced.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	The development will implement SUDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates. No surface water features in the vicinity of the site. Subject to the proposed mitigation measures as part of the Construction and	No

	Environmental Management Plan, it is not considered that the proposed development would result in significant impacts to water resources.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is served by a local road network. The N52 is located to the north, M1 and the Dublin Belfast train line are located to the east of the site. Delivery of turbine components to the site will result in minor temporary impacts during transportation and delivery of the abnormal loads. No significant contribution to traffic congestion is anticipated to arise from the proposed development. No significant impacts anticipated.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	There is a GAA club and national school located approximately 600m to the south of the proposed turbine. However, no significant impacts on these uses are anticipated as a result of the proposal.	No
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. The proposed development of an Effluent Balancing and Resource Recovery Plant lands to the south of the WuXi campus have been considered. However, they are not considered to give rise to significant cumulative effects in combination with the subject project.	No

3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No
3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	Agreed	EIAR Not Required
Real likelihood of significant effects on the environment.	☐	
D. MAIN REASONS AND CONSIDERATIONS		
Having regard to • The nature and scale of the proposed development, which is below the threshold in respect of classes 3(i) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2024; • The location of the proposed residential development on zoned lands where the proposed uses are either permitted in principle or open for consideration, within the Louth County Development Plan 2021-2027 as 'zoned E2 – Business and Technology in the Louth County Development Plan 2021-2027. The objective of which is <i>"to provide for office, research and development and high technology/ high technology manufacturing type employment."</i>, and the results of the Strategic Environmental Assessment of the Development Plan; • The nature of the existing site and the pattern of development in the surrounding area; • The location of the development outside of or have potential to impact on any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised; • The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003); • The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and; • The features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Outline Construction and Environmental Management Plan.		

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Inspector

Date

Approved (DP/ADP)

Date

Appendix 2

Appropriate Assessment – Screening Determination

Screening the need for Appropriate Assessment
Finding of no likely significant effects

Template 3: Screening the need for Appropriate Assessment
Finding of no likely significant effects

Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the Construction of wind turbine in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

Description of the proposed development

The proposed development comprises construction of an access track and crane pad, removal of a berm/mound, excavation for foundation construction of a foundation, erection and commissioning of a single 80m hub height 90m blade diameter wind turbine, in the WuXi pharma campus in Dundalk Science and technology park. The foundation for the turbine is 25x25m in plan the application site is given as 1.160 ha.

A Stormwater Management Plan produced by PUNCH Consulting Engineers informed the proposed surface water drainage designs using SUDS principles in order to minimise any potential impacts from surface water pollution.

Consultations and submissions

A screening report for Appropriate Assessment Report prepared by Veon Ecology updated 25th June 2024 was submitted with the application.

Louth County Council determined that the proposed development could be screened out of the need for stage 2 Appropriate Assessment.

Third party objections have referenced bird and bat species including protected bird species which it considers not to have been given full consideration.

No submissions were received from Statutory consultees.

European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

The boundary of the nearest European Site is within 2.6 km. 2 no. of European sites are located within a potential zone of influence of the proposed development by virtue of a single population of Greylag Geese utilizing both sites.

European Site	Qualifying Interests (summary)	Approximate Distance	Connections
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Dundalk Bay SAC site code 000455	[1130] Estuaries, [1140] Mudflats and sandflats not covered by seawater at low tide, [1220] Perennial vegetation of stony banks, [1310] Salicornia and other annuals colonising mud and sand, [1330] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>), [1410] Mediterranean salt meadows (<i>Juncetalia maritimi</i>)	2.6km northwest	There is insufficient hydrological connection between the project site and the European site. None of the QIs have been recorded within the vicinity of the site.
Dundalk Bay SPA site code 040626	[A046] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>), [A162] Redshank (<i>Tringa totanus</i>), [A069] Red-breasted Merganser (<i>Mergus serrator</i>), [A142] Lapwing (<i>Vanellus vanellus</i>), [A156] Black-tailed Godwit (<i>Limosa limosa</i>), [A048] Shelduck (<i>Tadorna tadorna</i>), [A179] Black-headed Gull (<i>Chroicocephalus ridibundus</i>), [A065] Common Scoter (<i>Melanitta nigra</i>), [A005] Great Crested Grebe (<i>Podiceps cristatus</i>), [A184] Herring Gull (<i>Larus argentatus</i>), [A157] Bar-tailed Godwit (<i>Limosa lapponica</i>), [A043] Greylag Goose (<i>Anser anser</i>), [A182] Common Gull (<i>Larus canus</i>), [A160] Curlew (<i>Numenius arquata</i>), [A140] Golden Plover (<i>Pluvialis apricaria</i>), [A052] Teal (<i>Anas crecca</i>), [A141] Grey Plover (<i>Pluvialis squatarola</i>), [A053] Mallard (<i>Anas platyrhynchos</i>), [A054] Pintail (<i>Anas acuta</i>), [A149] Dunlin (<i>Calidris alpina</i>), [A137] Ringed Plover (<i>Charadrius hiaticula</i>), [A130] Oystercatcher (<i>Haematopus ostralegus</i>), [A143] Knot (<i>Calidris canutus</i>), Wetlands	2.6km northwest	The recorded roosting location of the Greylag Goose population shared with Stabannan-Braganstown SPA is such that the turbine is not likely to be on a commuting route between the sites.
Carlingford Mountain SAC (000453)	[A046] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>), [A162] Redshank (<i>Tringa totanus</i>), [A069] Red-breasted Merganser (<i>Mergus serrator</i>), [A142] Lapwing (<i>Vanellus vanellus</i>), [A156] Black-tailed Godwit	9.9km northeast	The zone of influence of the proposed development does not extend to this SAC.

	(<i>Limosa limosa</i>), [A048] Shelduck (<i>Tadorna tadorna</i>), [A179] Black-headed Gull (<i>Chroicocephalus ridibundus</i>), [A065] Common Scoter (<i>Melanitta nigra</i>), [A005] Great Crested Grebe (<i>Podiceps cristatus</i>), [A184] Herring Gull (<i>Larus argentatus</i>), [A157] Bar-tailed Godwit (<i>Limosa lapponica</i>), [A043] Greylag Goose (<i>Anser anser</i>), [A182] Common Gull (<i>Larus canus</i>), [A160] Curlew (<i>Numenius arquata</i>), [A140] Golden Plover (<i>Pluvialis apricaria</i>), [A052] Teal (<i>Anas crecca</i>), [A141] Grey Plover (<i>Pluvialis squatarola</i>), [A053] Mallard (<i>Anas platyrhynchos</i>), [A054] Pintail (<i>Anas acuta</i>), [A149] Dunlin (<i>Calidris alpina</i>), [A137] Ringed Plover (<i>Charadrius hiaticula</i>), [A130] Oystercatcher (<i>Haematopus ostralegus</i>), [A143] Knot (<i>Calidris canutus</i>), Wetlands			
Stabannan-Braganstown SPA (004091)	[4010] Northern Atlantic wet heaths with <i>Erica tetralix</i> , [4030] European dry heaths, [4060] Alpine and Boreal heaths, [6230] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)*, [7130] Blanket bogs (* if active bog), [7140] Transition mires and quaking bogs, [7230] Alkaline fens, [8110] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>), [8210] Calcareous rocky slopes with chasmophytic vegetation, [8220] Siliceous rocky slopes with chasmophytic vegetation	8.7km south	The recorded roosting location of the Greylag Goose population shared with Stabannan-Braganstown SPA is such that the turbine is not likely to be on a commuting route between the sites.	

In winter the Stabannan-Braganstown SPA (004091) site is utilised by an internationally important wintering population of Greylag Goose, considered to be one population using it and Dundalk bay SPA sites. The Stabannan-Braganstown SPA (004091) site also supports smaller populations of Greenland White-fronted Goose (24) and Whooper Swan (60). Small numbers of Bewick's Swan (2) have also been recorded at the site. At night most of the geese and swans roost in Dundalk Bay.

Barriers limiting the population's access to this SPA or ecologically important sites outside the SPA will ultimately affect the achievement of targets for population trend and/or spatial distribution. Factors such as the number, location, shape and area of potential barriers must be taken into account to determine their potential impact.

The Greylag Goose roosting location was recorded at both Low and High tide in the 2009/2010 survey. The likelihood of the proposed wind turbine acting as a barrier to a commuting route for the QI species can be discounted due to the spatial relationship between this roosting location and the foraging location in Stabannan-Braganstown SPA.

Potential hydrological and ecological linkages proximate to the site are limited to the site draining to the small wetland of around 3000sqm evident on aerial photography and historic mapping circa 300m directly east of the proposed turbine. This wetland is connected to the historic townland boundary forming the eastern side of the access road to the IDA pumping station located to the south of the turbine site. The wetland along with the townland boundary form part of an ecological stepping stone and network of local importance with hydrological connectivity (less than 1km) via field drains to River Waterbody Code: IE_NB_06H080570, (EPA name HAGGARDSTOWN) which in turn via approximately 2km of mostly open channel drains to Dundalk Bay SAC site code 000455 and SPA site code 040626.

By virtue of the absence of a more direct connection other than surface water flows from the subject site to the potential hydrological connection described above, this is an indirect hydrological and ecological connection.

Likely impacts of the project (alone or in combination with other plans and projects)

Taking account of the size/scale, land take, resource requirements, emissions, duration and timing of works, no likely impacts on the conservation objectives of any Natura Site have been identified. and

No potential likely significant effect on the European sites has been identified in view of the conservation objectives set out for the qualifying features for the identified Natura Sites including:

- Reduction in habitat area, habitat degradation or fragmentation
- Disturbance to species, reduction in species population and density
- Changes in ecological functions or features necessary for the qualifying interests e.g. decreased water quality and effects on freshwater species
- Interference with key interactions that define the structure and function of the site including the relationship between Stabannan-Braganstown SPA and Dundalk Bay SPA.

In combination effects

Following review of all possible projects including those set out in the Planning History section of the inspectors report and those considered in the Appropriate Assessment screening report submitted that may contribute to in-combination effects none have been identified

Overall Conclusion

Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development would not result in likely significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The construction and operation of the proposed Wind Turbine and associated works.
- The location of the turbine relative to the qualifying interests of Dundalk Bay SPA and Stabannan-Braganstown SPA.
- The location and interaction of the construction and operation of the proposed turbine relative to the receiving hydrological and ecological environment and the extent and nature of connections therefrom to Dundalk Bay Natura sites.
- Taking into account screening determination by Louth County Council
- Possible impacts identified would not be significant in terms of site specific conservation objectives for the Dundalk Bay SPA, Dundalk Bay SAC and Stabannan-Braganstown SPA and would not undermine the maintenance of favorable conservation condition or delay or undermine the achievement of restoring favorable conservation status for those qualifying interest features of unfavorable conservation status.

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.