



An
Bord
Pleanála

Board Direction
BD-018971-25
ABP-320542-24

The submissions on this file and the Inspector's report and the updated Appropriate Assessment Screening were considered at a Board meeting held on 17/02/2025.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

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 set out 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.

Appropriate Assessment Screening:

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within an established science and technology park and adequately serviced site, the Appropriate Assessment Screening Report submitted with the application and as updated on appeal, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board considered the report of the Planning Inspector and the submission of the applicant following a request from An Bord Pleanála, under section 132 of the Planning and Development Act 2000, as amended, for an updated Appropriate Assessment Screening Report, and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites. In consideration of the above conclusion, there is no requirement, therefore, for a Stage 2 Appropriate Assessment (and for the submission of a Natura Impact Statement - NIS).

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 the 10th day of September and the 29th of November 2024, 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. (a) The turbine hereby permitted shall be operated such that, the modelled turbine LAF90 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 number 403.1.1 date: 27.04.23) as received by the planning authority on the 15th day of September, 2023 are not exceeded.
- (b) Prior to commencement, the developer/operator shall submit to, and agree in writing with, the planning authority a Noise Compliance Monitoring Programme (NCMP). The Noise Compliance Monitoring Programme shall include a detailed methodology for all sound measurements, including locations, duration and frequency of monitoring. The Noise Compliance Monitoring Programme shall include a schedule for reporting and publishing details during and post commissioning to be undertaken as gagged in the Noise Compliance Monitoring Programme, but at the latest and minimum within three years of commissioning. Monitoring results shall be made publicly available. The Noise Compliance Monitoring Programme report shall include any mitigation measures such as restrictions to operation of the turbine where required.

The Noise Compliance Monitoring Programme 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 shut down 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 the 10th day of 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 six month and 12 months following commissioning shall be submitted within two 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 interests 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 interests of residential and visual amenity.

10. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Friday and 0800 to 1400 Saturday, 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 noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests 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.

Board Member


Mary Henchy

Date: 19/02/2025