

James

**Daragh Cassells**

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**From:** Aiden O'Neill [REDACTED]  
**Sent:** Friday 10 January 2025 15:57  
**To:** Appeals2  
**Subject:** ABP-321396-24 Dundalk Science and Technology Park, in the townland of Haynestown, Mullagharlin, Dundalk, Co. Louth A91 X56F  
**Attachments:** ABP-321396-24 WuXi Biologics First Party Response to Third Party Appeal.pdf  
**Importance:** High

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Dear Sir/Madam

Please find attached response of the First Party, WuXi Biologics Ireland Limited, to the Third Party Appeal, case reference ABP-321396-24.

Please confirm receipt of same to the address cited on the appeal response in due course.

Thank you.

Kind regards

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The Secretary  
An Bord Pleanála  
No. 64 Marlborough Street  
Dublin 1  
D01 V902

Dear Sir/Madam

10 January 2025

**RE: FIRST PARTY RESPONSE OF WUXI BIOLOGICS IRELAND LIMITED TO 1 NO. THIRD PARTY APPEAL AGAINST THE DECISION OF LOUTH COUNTY COUNCIL TO GRANT PERMISSION FOR THE CONSTRUCTION AND OPERATION OF A NEW EFFLUENT BALANCING AND RESOURCE RECOVERY PLANT (EBRRP) ON A SITE AT DUNDALK SCIENCE AND TECHNOLOGY PARK, IN THE TOWNLAND OF HAYNESTOWN, MULLAGHARLIN, DUNDALK, CO. LOUTH, A91 X56F.**

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**LOUTH COUNTY COUNCIL REG. REF.: 2460213**

**AN BORD PLEANÁLA CASE REFERENCE: ABP-321396-24**

#### Introduction

We, AtkinsRéalis, 150-155 Airside Business Park, Swords, Co. Dublin K67 K5W4, have been retained by WuXi Biologics Ireland Limited to prepare this First Party Response to 1no. Third Party Appeal against the decision of Louth County Council to grant permission for the construction and operation of a new Effluent Balancing and Resource Recovery Plant (EBRRP) on a site at Dundalk Science and Technology Park, in the townland of Haynestown, Mullagharlin, Dundalk, Co. Louth, A91 X56F.

The letter from the Board containing the appeal is dated 9<sup>th</sup> December, 2024. The last date for a response is 14<sup>th</sup> January, 2025. We understand that there are no other appeals against the decision of Louth County Council.

The 1no. Appeal has been submitted by Peter Sweetman, Wild Ireland Defense CLG, PO Box 13611, Bantry, County Cork. The appeal grounds can be summarised as follows:

- The development is within 1.3km of the Lower River Suir SAC (002137). Appropriate Assessment is required.

- The development must be assessed for compliance with the requirements of the Water Framework Directive.

Prior to setting out our response to the grounds of appeal, we would respectfully request An Bord Pleanála to dismiss the appeal under section 138(a)(i) or (b)(i) of the Planning and Development Act, 2000, as amended, having regard to the following factual errors in the appeal:

- The appeal is predicated on the address of the proposed development as being at Glenreagh Mor, Holycross, Co. Tipperary, when the application clearly identifies the address of the proposed development as being on a site at Dundalk Science and Technology Park, in the townland of Haynestown, Mullagharlin, Dundalk, Co. Louth, A91 X56F.
- The appeal is predicated on the location of the proposed development being within 1.3km of the Lower River Suir SAC. However, the Lower River Suir SAC is located c. 172km (at closest point) from the proposed development site in Dundalk Science and Technology Park.

In this context and having regard to section 138(a)(i) of the Planning and Development Act, 2000, as amended, the appeal is without substance or foundation, as it is grounded on an inaccurate address for the proposed development, and an inaccurate assessment of the distance of the proposed development site from the Lower River Suir SAC (002137).

In addition, and in the context of section 138(b)(i) of the Planning and Development Act, 2000, as amended, the nature of appeal, which is predicated on an inaccurate address and an inaccurate distance from the Lower River Suir SAC (002137), is fundamentally flawed.

For these reasons, we respectfully request the Board to dismiss the appeal.

In the event that the Board continues to assess the appeal, we set out below a summary of the pertinent aspects of the proposed development:

- The First Party, WuXi Biologics Ireland Limited, is in the process of increasing production and expanding its workforce to meet an increase in activity following its successful transition from a construction project to an operational facility.
- The First Party's existing Industrial Emissions Discharge (IED) Licence No. is P1122-01. This Licence requires that WuXi Biologics conclude an end user agreement with Uisce Éireann (UÉ). During the development of the end user agreement, it became apparent that the effluent limits proposed by UÉ would be more onerous than those initially provided in the Licence. Furthermore, UÉ indicated that it did not have sufficient headroom in the Dundalk Wastewater Treatment Plant (WwTP) (in accordance with the wastewater discharge licence D0053-01) to treat the expected loads arising from the facility.

- In order to facilitate production, the current pre-treatment capacity will need to be increased, as will effluent balancing/storage to ensure that the site maintains compliance with proposed end user agreement effluent limits. The proposed Effluent Balancing and Resource Recovery Plant (EBRRP) will fulfil these requirements.
- In land use planning terms, the proposed Effluent Balancing and Resource Recovery System is a supporting piece of infrastructure for the exclusive use of the principal pharmaceutical use on E2 Business and Technology zoned lands where utilities are permitted in principle.
- In environmental terms, and having regard to the mandatory Environmental Impact Assessment (EIA) included with the application, the proposed development will not give rise to any significant environmental effects.
- In appropriate assessment terms, the Screening Report for Appropriate Assessment concludes that the proposed Effluent Balancing and Resource Recovery System, individually or in combination with other plans and project, will not give rise to likely significant effects on any European sites, and that it is not necessary for the proposed project to proceed to Appropriate Assessment.
- The Planning Authority assessed the proposed development in detail from the initial application as lodged on 19<sup>th</sup> April, 2024, the assessment of the response to the Request for Further Information (RFI) submitted on 2<sup>nd</sup> August, 2024, and the assessment of the response to the Clarification of the RFI on 4<sup>th</sup> October, 2024, and, as set out in the Planner's Report dated 20<sup>th</sup> November, 2024, concluded that the proposed development:
  - is appropriate at this location.
  - would not seriously injure the visual or residential amenities of the area.
  - accords with the planning objectives and policies pertaining to this development as set out in the Louth County Development Plan 2021-2027, as varied.
  - Is in accordance with the proper planning and sustainable development of the area.

#### **First Party Response to the Third Party Appeal**

As noted above, the 1<sup>no.</sup> Appeal submitted by Peter Sweetman, can be summarised as follows:

- The development is within 1.3km of the Lower River Suir SAC (002137). Appropriate Assessment is required.
- The development must be assessed for compliance with the requirements of the Water Framework Directive.

In relation to the first ground of appeal, we note the following:

1. The Appropriate Assessment (AA) Screening Report (Document Reference; 100085897DG0002), submitted with the planning application for the proposed development of the Effluent Balancing and Resource Recovery System at the Dundalk Science and Technology Park in Haynestown, Dundalk, County Louth, has thoroughly and robustly analysed the potential impacts of the construction and operational aspects of the proposed development on the receiving natural environment and evaluated their effects, both individually and in combination with other plans and projects, in view of the conservation objectives of the 5no. European sites within the zone of influence (ZoI) of the proposed development site, the nearest of which are the Dundalk Bay SAC and Dundalk Bay SPA which are located along the coastline ca.2km east of the proposed development site.

On the basis of objective information and in view of best scientific knowledge and applying a precautionary principle, the AA Screening has adequately demonstrated that, with the absence of any mitigation measures, the proposed development will not result in likely significant effects on the 5no. European sites within the ZoI of the Dundalk Science and Technology Park development site.

2. It is noted within the Peter Sweetman Wild Ireland Defence CLG appeal letter that an incorrect address has been assigned to the proposed development by the appellant. The appellant has incorrectly considered the proposed development is located in "Holycross in County Tipperary." It should be noted by the Board that Holycross (in County Tipperary) is located c. 175km from the Dundalk Science and Technology Park.
3. This incorrect address has led to further inaccuracies by the appellant in the statement:- "As this development is within 1.3km of the Lower River Suir SAC (002137) Appropriate assessment is required". It should be noted by the Board that the Lower River Suir SAC is located c. 172km (at closest point) from the proposed development site in Dundalk Science and Technology Park. As such the Lower River Suir SAC cannot be within the zone of influence of the proposed development site nor does the proposed development have any potential to result in any effects to Lower River Suir SAC given the vast distance and lack of any ecological or hydrological connectivity.
4. Given the above facts, it is considered that the appellant has erroneously stated that Appropriate Assessment is required and it is further considered that the appellant's request for Appropriate Assessment due to proximity to Lower River Suir has no validity or credibility.
5. The Planning Authority also noted in the Planner's Report dated 31<sup>st</sup> May, 2024 that:
  - o The proposed project does not lie within any European site and there is no direct connectivity to any SAC or SPA.

- There is no direct connectivity from the project Site to Dundalk Bay SAC and Dundalk Bay SPA or any other European site via woodlands, treelines or any other vectors.
- The proposed development site has no watercourses within or bordering its boundaries to provide indirect connectivity to any European site.
- The nearest watercourse is the Carnabreagh Stream approximately 700m west of the site on the opposite side of the motorway. The motorway creates a physical barrier which separates the stream from the project site.
- During the operational phase wastewater will go the existing foul sewer for treatment at Dundalk Wastewater Treatment plant.
- Given the lack of any connecting pathways to any European sites either during the construction or operational phases of the proposed project and considering the nature, scale and location of the proposed project, there will be no likely significant effects on any European site as a result of the proposed project.
- Having regard to the nature and scale of the proposed development, the lack of pathways from the site and the designated European sites in Dundalk Bay, the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site (Special Area of Conservation or Special Protected Area) and as such an Appropriate Assessment (Stage 2 AA) is not required.

6. We respectfully request the Board to arrive at the same conclusion that an Appropriate Assessment is not required and to set aside this ground of appeal.

In relation to the second ground of appeal, we note the following:

7. In regard to the appellant's statement "the development must be assessed for compliance with the requirements of the Water Framework Directive"; the Board should note that there are no watercourses within the proposed development site with the closest watercourse being located c. 700m west of the proposed development site and which is separated from the proposed development site by the physical barrier of the M1 motorway.
8. Furthermore the proposed development does not abstract from or outfall to any watercourse. Given there are no watercourses within or connected to the proposed development an assessment for compliance with the requirements of the Water Framework Directive (WFD) cannot be undertaken as there is no watercourse or water quality to assess.

9. It is considered that the inaccuracies by the appellant in regard to the location of the development site may have led to an erroneous conclusion that there is a watercourse within or connected to the proposed development site requiring assessment. As with the appellants request for AA, it is considered that the appellant's request for WFD assessment has no validity or credibility.
10. We respectfully request the Board to arrive at the same conclusion that a Water Framework Directive Assessment is not required and to set aside this ground of appeal.

### **Conclusion**

In conclusion, we respectfully request the Board to dismiss the appeal on the basis that it is grounded on an inaccurate address for the proposed development, and an inaccurate assessment of the distance of the proposed development site from the Lower River Suir SAC (002137).

In the event that the Board continues to assess the appeal, we note that the proposed development will support and facilitate the existing, established WuXi pharmaceutical plant, and will ensure that there is sufficient pre-treatment capacity to meet the effluent limits proposed by UÉ without impact on the Dundalk Wastewater Treatment Plant (WwTP).

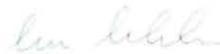
The proposed development is supported by national, regional and local planning policies, including the applicable E2 land use zoning objective, and it has been demonstrated that it would not give rise to significant environmental effects. The proposed development is in the interests of the proper planning and sustainable development of the existing WuXi Biologics facility.

We respectfully request the Board to set aside the grounds of appeal and uphold the robust decision of Louth County Council and grant permission for the proposed development.

We trust that this is to your satisfaction and look forward to a positive decision in due course.

Please forward all correspondence to Martin Cruickshank, Senior Project Manager, AtkinsRéalis, 150-155 Airside Business Park, Swords, Co. Dublin K67 K5W4.

Yours sincerely



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**Martin Cruickshank, Senior Project Manager, AtkinsRéalis**