

An  
Bord  
Pleanála

**Board Direction**  
**BD-013672-23**  
**ABP-313681-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/09/2023.

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

### **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) The nature and extent of the proposed works which seeks to incorporate a cap on the existing landfill thereby reducing leachate production.
- (b) The EU Habitats Directive (92/43/EEC).
- (c) The European Communities (Birds and Natural Habitats) Regulations 2011.
- (d) The EU Water Framework Directive 2000 (2000/60/EEC).
- (e) The European Communities Environmental Objectives (Surface Water Regulations) 2009 (S.I. 272 of 2009).
- (f) The likely consequences for the environment and the proper planning and sustainable development of the area which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site.
- (g) The submissions and observations received in relation to the likely effects of the environment.

(h) The report and recommendation of the Inspector.

**Appropriate Assessment:**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Lough Carra/Mask Complex Special Area of Conservation (Site Code: 001774) and the Lough Mask Special Protection Area (Site Code: 004062) are the only European Sites in respect of which the proposed development has the potential to significantly effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development on the above mentioned affected European Sites in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of appropriate assessment.

In completing the appropriate assessment, the Board considered in particular the following:

- (i) The likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans and projects.
- (ii) The separation distance between the landfill and the Natura 2000 sites in question.
- (iii) The assimilative capacity of the rivers in terms of dilution and dispersion of potential pollutants generated by the leachate.
- (iv) The conservation objectives of the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion the Board is satisfied that the proposed development would not adversely affect the integrity of a European Site in view of the site's conservation objectives.

**Proper Planning and Sustainable Development/Likely effects on the environment:**

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

**Conditions**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interest of clarity.

2. A suitably qualified person shall be appointed by the local authority to oversee the design and construction of the proposed landfill cap including the excavation and storage of all material within the site. Upon completion of the works a report of all site works shall be prepared by the appointed person and submitted to the local authority to be maintained on record and shall be made available for public inspection during normal office hours.

**Reason:** In the interest of orderly development and public access to environmental information.

3. A suitably qualified person shall be appointed by the local authority to oversee the planting and landscaping of the restored landfill. Any plants which die or are



removed or become seriously damaged or diseased shall be replaced within the next planting season with other of similar size and species.

**Reason:** In the interest of orderly development.

4. The planning authority shall prepare and fully implement a landscaping scheme which shall provide planting throughout the site. All planting shall be adequately protected from damage until established. Any plants which die are removed or become seriously damaged or diseased within a period of five years from the completion of the proposed development shall be replaced within the next planting season with others of similar size and species.

**Reason:** In the interest of visual amenity.

5. In the case that external lighting is to be provided at the site all external lighting shall be sufficiently cowled so as to ensure that light spillage beyond the boundary of the site is minimised.

**Reason:** In the interest of amenity.

6. The Construction and Environmental Management Plan shall be implemented in full in carrying out the proposed development.

**Reason:** To protect the amenities of the area.

7. The proposed measures for the management of invasive species set out in the Invasive Species Management Plan submitted with the application shall be implemented in full in carrying out the proposed remediation works.

**Reason:** To arrest the spread of invasive species on site and its surroundings.

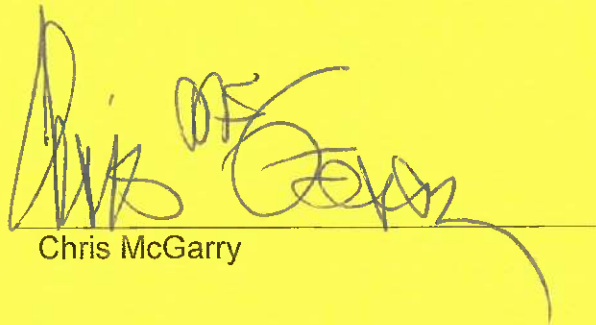
8. All conditions attached to the closed landfill certificate of authorisation and in particular Condition number 3 in respect of management and monitoring shall be fully complied with.

**Reason:** In order to prevent pollution and to ensure appropriate monitoring of the development.

9. A traffic management plan shall be prepared and shall be the subject of a written agreement with Transport Infrastructure Ireland to manage the safe access and egress of construction vehicles to and from the site. Details of the traffic management plan shall be the subject of agreement prior to the commencement of development.

**Reason:** In the interest of traffic safety.

Board Member



Chris McGarry

Date: 11/09/2023

