



An
Bord
Pleanála

Board Direction
BD-019692-25
ABP-319560-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/05/2025.

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 European Union Habitats Directive (92/43/EEC),
- (b) the European Communities (Birds and Natural Habitats) Regulations 2011, as amended,
- (c) National Waste Management Plan 2024-2030,
- (d) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (e) the conservation objectives, qualifying interests, and special conservation interests, for the Dundalk Bay Special Area of Conservation (Site Code: 000455), and the Dundalk Bay Special Protection Area (Site Code: 004026),
- (f) the policies and objectives of the Monaghan County Development Plan 2019-2025 and the draft Monaghan County Development Plan 2025-2031,

- (g) the nature and extent of the proposed works, as set out in the application for approval, which seek to incorporate a cap on existing landfill, thereby, reducing emissions including leachate,
- (h) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, and,
- (i) the report and recommendation of the person appointed by the Board, to make a report and recommendation on the matter.

Appropriate Assessment: Stage 1:

The Board agreed with and adopted, the screening assessment and conclusion carried out in the Inspector's report, that the Dundalk Bay Special Area of Conservation (Site Code: 000455) and the Dundalk Bay Special Protection Area (Site Code: 004026), are the only European Sites in respect of which the proposed development, has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation, submitted with the application for approval, the mitigation measures contained therein, the submission on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development, for the affected European Sites, namely the Dundalk Bay Special Area of Conservation (Site Code: 000455) and the Dundalk Bay Special Protection Area (Site Code: 004026), in view of the Sites' conservation objectives. The Board considered that the information before it was adequate, to allow the carrying out of an 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 or projects,

- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

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

In overall conclusion, the Board was satisfied that the proposed development, by itself, or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' 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, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

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 interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

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 interests 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. A suitably qualified ecologist shall be retained by the local authority, to oversee the site set up and remediation works, and implementation of mitigation measures relating to ecology. The ecologist shall be present during the works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist, to be kept on file as part of the public record.

Reason: In the interests of nature conservation and biodiversity.

5. The mitigation and monitoring measures identified in the Natura Impact Statement shall be implemented in full.

Reason: In the interest of protecting the environment and the protection of European Sites.

6. 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.

7. 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.

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.

Board Member



Tom Rabbette

Date: 16/05/2025