

An  
Bord  
Pleanála

**Board Order**  
**ABP-310829-21**

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Louth County Council**

**Planning Register Reference Number: 21/486**

**Appeal** by Oxigen Environmental ULC care of RPS of West Pier Business Campus, Dun Laoghaire, County Dublin against the decision made on the 18<sup>th</sup> day of June, 2021 by Louth County Council to refuse permission for the proposed development.

**Proposed Development:** Development consisting of a waste recovery and recycling facility for the treatment of up to 90,000 tonnes per annum of municipal solid waste, comprising: a processing building with a floor area of circa 9,263 square metres to a maximum height of 13.85 metres, ancillary administration building (floor area of circa 252 square metres and 5.4 metres in height), gated vehicular access off the L3168 (Ardee Road) and an internal access road with two weighbridges, ESB substation (circa 42 square metres) fuel storage, two 40 cubic metres underground tanks, underground drainage, including circa 385 cubic metres underground tank, 33 number car parking spaces, 10 number bicycle parking spaces, and photovoltaic panels on the roof of processing building. The development also includes security cameras, lighting, boundary treatment to include two-metre-high boundary fence and 1-1.5-metre mounding on southern boundary and all associated landscaping, plant, site and construction works on an overall site of circa 2.6 hectares, all at Ardee Road, Carnabreagh, Dundalk, County Louth.

## Decision

**REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.**

## Reasons and Considerations

1. The proposed development is located in a rural area on lands zoned as Rural Policy Zone 2 (Area Under Strong Urban Influence) in the Louth County Development Plan 2021-2027 where the policies and objectives of the development plan (Policy Objectives EE 55 and EE 59) direct employment activities to settlements or appropriate locations in rural areas. Taken in conjunction with the existing residential properties in the immediate vicinity, it is considered that the principle of locating a waste processing facility on this unserviced site would not be acceptable and would not come within the scope of the economic and rural objectives of the development plan for the area. The proposed development would contravene materially the development plan objectives, as set out in the development plan, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that, based on the information provided in the Environmental Impact Assessment Report, the nature, scale, siting, and operation of the proposed waste recovery and recycling facility would have the potential to seriously injure the residential amenities of properties in immediate proximity to the proposed development by reason of air quality and noise effects. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the information provided in the Environmental Impact Assessment Report in relation to geology, hydrogeology, and hydrology in the vicinity of the site, the Board is not satisfied that the groundwater reserves would not be significantly diminished by reason of abstraction and failure to recharge satisfactorily, notwithstanding the proposed use of rainwater harvesting for the processing facility. The proposed development would have the potential to have a negative impact on water bodies within the catchment of the site achieving/maintaining a 'Good Water Status', as required under the Water Framework Directive, and would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

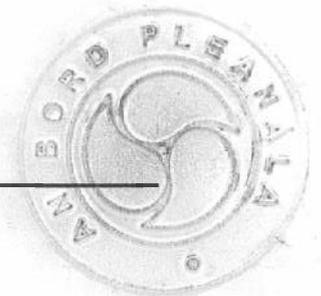
*DR. Maria FitzGerald*

**Maria FitzGerald**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**



Dated this 26<sup>th</sup> day of January 2023.