

An
Bord
Pleanála

Board Order ABP-318047-23

Planning and Development Acts, 2000 to 2022

Planning Authority: Monaghan County Council

Application by Monaghan County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 15th day of September, 2023.

Proposed Development: The proposed development will consist of the following:

- the development of a site access,
- the development of a temporary site compound and office area,
- site clearance, including the removal of an existing gate, existing timber post and wire fencing and clearance of existing vegetation,
- grading/profiling of the existing site area,
- installation of an engineered landfill capping system covering an area of 2.6 hectares,
- installation of surface and subsurface surface water drainage infrastructures,
- installation of passive landfill gas management infrastructure,
- the installation of stock proof fencing, and a new access gate on-site, and

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- landscaping of the final formation of the capping area using a proprietary grass cover mix suited for pasture.

All located at Killycronaghan, Newbliss, County Monaghan.

Decision

APPROVE the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) 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,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Upper Lough Erne Northern Ireland Special Protection Area (Site Code: UK9020071), Upper Lough Erne Northern Ireland Special Area of Conservation (Site Code: UK0016614) and Lough Oughter and Associated Loughs Special Area of Conservation (Site Code: 000007),
- (e) the policies and objectives of the Monaghan County Development Plan 2019-2025,
- (f) the nature and extent of the proposed works as set out in the application for approval which seek to incorporate an appropriately engineered cap on existing landfill thereby reducing emissions including leachate,



- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, and
- (h) 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 Upper Lough Erne Northern Ireland Special Protection Area (Site Code: UK9020071), Upper Lough Erne Northern Ireland Special Area of Conservation (Site Code: UK0016614) and Lough Oughter and Associated Loughs Special Area of Conservation (Site Code: 000007), 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 submissions and observations 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 Upper Lough Erne Northern Ireland Special Protection Area (Site Code: UK9020071), Upper Lough Erne Northern Ireland Special Area of Conservation (Site Code: UK0016614) and Lough Oughter and Associated Loughs Special Area of Conservation (Site Code: 000007), 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 and 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.

Environmental Impact Assessment Screening

The Board considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

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

2. The mitigation measures outlined in the plans and particulars relating to the proposed development, including those set out in the Natura Impact Statement shall be implemented in full. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment and European Site, and in the interest of public health.

3. 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.

4. 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.

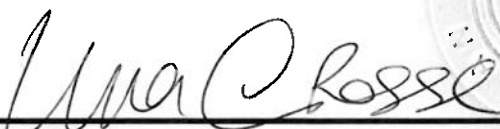
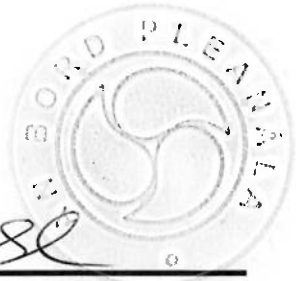
Reason: In the interest of amenity.

5. 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.

6. 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.



Una Crosse
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 9th day of April 2024