



Planning and Development Act 2000, as amended

Planning Authority: Monaghan County Council

Planning Register Reference Number: 24/60417

APPEAL by Declan McCulloch against the decision made on the 20th day of June, 2025 by Monaghan County Council to grant subject to conditions permission to Blue Dolphin Environmental Limited for the proposed development.

Proposed Development: (1) Retain position on site of existing single portacabin office accommodation (previously granted under planning reference number 16/446) and will consist of (2) permission for a two number single storey waste separation buildings, two storey office building, extension of existing waste facility yard to facilitate the proposed development and all associated site works at Kincorragh, Smithborough, County Monaghan, as amended by the further public notices received by the planning authority on the 26th day of May, 2025.

Decision

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

Reasons and Considerations

Having regard to the location of the site partially within the flood extents of the River Maghery, to the significant extent of excavation and reprofiling of the site and the changes made to the site layout at application and appeal stage, and to the quality of the drawings submitted with the appeal which are inadequate to determine the exact extent of the proposed reprofiling works and their proximity to the flood extent of the river, the Commission is not satisfied that flood risks associated with the proposed development have been adequately addressed within the application and appeal documentation. Furthermore, having regard to the extent of such infill and excavation works within said flood extents and the proximity to the River Maghery, the Commission is not satisfied that the proposed development would not result in pollution and a significant deterioration in the water quality of the River Maghery.

It is considered that the proposed development would be contrary to the provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in November, 2009, the requirements of the Water Framework Directive, and the provisions of Section 15.32 and Policy ILP 1 (Infilling of Lands), Policy WMP 4 (Waste Management), Objective WPO 8 (Water Protection), Section 8.7 Objective FRMO 4 (Flood Risk Management) and Policies FRMP 3 and FRMP 4 (Flood Risk Management) of Monaghan County Development Plan 2025-2031. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.



Mary Gurrie

Mary Gurrie

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 16 day of February 2026