Inspector's Report

ABP-319560-24

Development	The completion of Closed Landfill Remediation Works at a Closed Landfill site.
Location	Killycard, Castleblaney, County Monaghan.
Local Authority	Monaghan County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	Heritage Council, Inland Fisheries Ireland (Ballyshannon Regional Office), Environmental Protection Agency, Uisce Éireann (formally Irish Water), Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media,

	Minister for the Environment, Climate and Communications, Minister for Housing, Local Government and Heritage.
Date of Site Inspection	22nd April 2025
Inspector	Enda Duignan

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Appendix 1 – Form 1: EIA Pre-Screening & Form 3 - EIA Screening Determination

1.0 Introduction

1.1. Monaghan County Council is seeking approval from An Bord Pleanála to undertake landfill remediation works at a closed landfill site located c. 44km and 44.5km upstream of the Dundalk Bay SAC and SPA, respectively, which are designated European sites. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.

1.2. Section 177AE of the Planning and Development Act, 2000 (as amended) requires that where an appropriate assessment is required in respect of development by A Local Authority, the Local Authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act, 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.

2.0 Proposed Development

2.1. The development will consist of the following works:

- The development of a site access.
- The development of a temporary site compound and office area for the duration of the works.
- Invasive species management.
- 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 1.34 ha.
- Installation of surface and subsurface surface water drainage infrastructure.
- Installation of passive landfill gas management infrastructure.
- The installation of stock proof fencing, and a new access gate on-site.
- Landscaping of the final formation of the capping area using a high value multi

species grass cover.

2.2. The temporary site compound shall comprise a materials storage area, site offices and a parking area and is to be located in the south-eastern corner of the site, outside the footprint of the capping area. The temporary site compound shall be mobilised within the existing concrete yard area.

2.3. It is indicated that the existing waste body was covered following cessation of waste filling with an intermediate soil cap. The existing finished surface will require re-profiling to facilitate:

- Surface and sub surface drainage,
- Safe execution of the site remediation works, and,
- Safe access for maintenance of the cap.

Re-profiling will principally involve the (shallow) cutting of material at local high spots. These “cut” materials will be used as “fill” in local depressions. Thereafter, imported granular “dust” material 50mm to 100mm thick will be used to provide formation for the engineered cap. The re-profiled surface will provide the foundation for the engineered landfill cap.

2.4. The engineered landfill cap ‘barrier’ will cover an area of approximately 13,400sqm (1.34ha.). It will isolate the waste body from rainfall inputs which might otherwise produce leachate and will protect the underlying ground water and adjacent surface waters. It will also minimise the potential for uncontrolled landfill gas migration to the atmosphere or adjacent lands and provide a physical barrier between the finished surface and buried wastes, facilitating the control of surface water discharge to receiving waters.

2.5. The engineered cap will comprise:

- Vertical standpipes;
- A passive below liner landfill gas venting system;
- A LLDPE barrier to isolate the waste body from rainfall inputs and prevent uncontrolled fugitive gas emissions from the waste body;
- Over liner gas management system;

- A subsurface drainage system;
- A surface drainage system;
- A subsoil layer average thickness 800mm-850mm; and
- A topsoil layer average thickness 150-200mm barrier.

2.6. Below the LLDPE barrier, a gas collection geocomposite and pipework system will be constructed to collect and direct landfill gas as may be present to the proposed passive ventilation system. The below liner gas collection geocomposite is a cuspated synthetic product that is rolled out above the granular “dust” material overlying the re-profiled intermediate cap which overlies the waste. The gas collection geocomposite forms a “cavity” to intercept gas emissions from the underlying body. Gas collection pipework will be slotted and laid in gravel below the gas collection geocomposite and it will facilitate collection of landfill gas; and soakage, if required, of condensate or other as may collect in pipework.

2.7. The LLDPE barrier will be a 1.0mm thick ‘plastic’ sheet that is impermeable to both water and gas. It prevents gas escaping into the overlying soils and stops water from rainfall entering the underlying waste body. The LLDPE sheets will be welded at joints and will terminate in a vertical cut-off trench about the perimeter of the site. Over the LLDPE barrier, a geocomposite surface drainage system is rolled to form a cavity to intercept rainfall. Subsurface drainage flows from the drainage geocomposite are transferred via a supporting pipework system to a surface drainage outfall manhole and outlet at Corrinshigo Lough. In terms of surface water, French drains around the capping perimeter will collect and direct surface water flows to the subsurface drainage network ultimately outfalling at the same location.

2.8. Suitably sourced subsoils with a depth of between 800-850mm will then be imported to the site and placed atop of the sub surface drainage geocomposite and /or geogrid on side slopes. A suitably sourced topsoil with a depth of between 150-200mm will be placed atop the subsoil and it is noted that the top soil will have no stones greater than 50mm diameter.

2.9. Temporary works include leachate management, daily cover of exposed waste,

suspended soil management, odour management, traffic management and stock proof fencing.

2.10. Permanent management and monitoring of the works are also described in the application submission and includes the:

- Installation of Passive Landfill Gas Management Infrastructure,
- Perimeter Landfill Gas Migration Monitoring Boreholes,
- Continuous Emissions Monitoring Infrastructure,
- Additional Groundwater Monitoring Locations, and,
- Additional Leachate Monitoring Locations.

2.11. Post capping and placement of the subsoils and topsoil layers, it is proposed to landscape the site using a high value multi species grass cover in order to prevent erosion of the soils and to provide an attractive final visual appearance for the site.

2.12. Documents which have accompanied the application included:

- Cover Letter from Monaghan County Council for the S177AE Application which includes the list of prescribed bodies who were notified,
- Natura Impact Statement (NIS),
- Planning and Environmental Report,
- EIA Screening Assessment Report,
- A Construction Environmental Management Plan (CEMP),
- An Invasive Species Management Plan (ISMP),
- A copy of the Newspaper Notices relating to the proposed development published in the Northern Standard on 11th April 2024,
- A copy of the list of Prescribed Bodies to which notice was sent on 11th April 2024, and,
- A suite of planning drawings for the proposed development as described in Section 1.3 of the Planning and Environmental Report.

3.0 Site and Location

3.1. The subject site is located within the townland of Killycard, approximately 1.7km to the north-west of the town of Castleblayney. The site is located on the northern side of the

R183, c. 400m to the east of the M2. Commercial developments have been constructed on site including 2 no. operational industrial buildings which occupy the eastern portion of the site. A central area of the site is covered in hardstanding and formerly comprised a number of mushroom grow houses (now removed from site). The remainder of the former landfill site is in agricultural use and is utilised for the production of sileage.

3.2. The former landfill site is located in a low-lying valley that is typically characterised by lands in agricultural use. There are also a number of one-off houses within the surrounding area. The site has a western abuttal to Corrinshigo Lough and there is a network of existing drains along the northern and southern boundaries. It is indicated that the northern drain runs along the border of the Killycard townland and drains into the Drumillard Lough, c. 1.5km to the north-east of the site. In terms of topography, the site is generally flat with the lands further to the north rising steeply.

3.3. It is detailed within the application documentation that the former landfill accepted waste from c. 1980 to 1987. Since its closure, the site was covered with a soil cap, and it is confirmed that no other remediation works have been carried out to date. It is understood that waste deposited at the site comprises municipal solid waste (MSW) to a maximum depth of 2.4m below ground level (BGL). In addition, the maximum waste footprint is approximately 1.34ha. and the estimated interred volume of waste deposited at the site is c. 29,700m^3.

3.4. There are a number of small lakes located in the vicinity of the site, including Drumillard Lough c. 0.6km to the north-east of the site. An unnamed surface water area located c. 0.5km to the south-east and Killygola Lough and Lough Smiley are located c. 1km to the north-east.

4.0 Planning History

4.1. The planning history is referred to in section 3.1 of the submitted Planning and Environmental Report which indicates that the closed landfill has not been subject to any planning process. As noted, the landfill commenced operations in the 1980 and ceased in 1987. More recent permissions on the site include:

4.2. **24/60352:** Planning permission sought for the installation of a single storey modular unit, for use as a site office, new wastewater treatment system and all associated site works. The application is currently at further information stage.

4.3. **22/420:** Retention permission granted in February 2023 for existing commercial yard, silos, maintenance shed, widening of vehicular entrance onto public road, boundary treatments and all associated site works.

4.4. **00/1252**: Planning permission granted for the erection of 3 no. light industrial units to service UPVC Conservatory Manufacture, Furniture Restoration and Vintage Vehicle Restoration, installation of associated sewage treatment plant and opening of a new entrance.

5.0 Legislative and Policy Context

5.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

5.3. **National nature conservation designations:** The Department of Culture, Heritage

and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

5.4. The subject site has an indirect hydrological connection to the following European sites:

- Dundalk Bay SAC (Site Code: 000455), and,
- Dundalk Bay SPA (Site Code: 004026).

5.5. The following proposed Natural Heritage Areas are located in proximity to the subject site:

- Lough Smiley, 600m to the east,
- Muckno Lake, 1.7km to the south-east, and,
- Drumakill Lough, c. 5.3km to the east.

5.6. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.

- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
    - The likely effects on the environment.
    - The likely consequences for the proper planning and sustainable development of the area.
    - The likely significant effects on a European site.

5.7. **Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2010).** This guidance is intended to assist and guide planning authorities in the application of articles 6(3) and 6(4) of the Habitats Directive as it relates to their roles, functions, and responsibilities in undertaking AA of plans and projects. It applies to plans and projects for which public authorities receive an application for consent, and to plans or projects which a public authority wishes to undertake or adopt.

5.8. **National Planning Framework:** Project Ireland 2040 outlines the obligations upon public authorities to take appropriate steps to avoid the deterioration of natural habitats and the requirements relating to appropriate assessment. (Page 154).

5.9. **Regional Planning Guidelines:** The Regional Spatial and Economic Strategy for the Northern and Western Regions 2020-2032 includes RPO 5.5 requiring the conservation and protection of designated areas and natural heritage areas, European sites and their integrity.

5.10. **County Development Plan**

5.10.1. The Monaghan County Development Plan (CDP), 2019-2025 is currently the operative plan for the purpose of this application. The site is located within the settlement envelope of Castleblaney Town (Map CYDP1) and is zoned Industry/Enterprise/Employment under the current CDP. The following

Policies/Objectives of the CDP are considered relevant to this assessment:

- **HCLSO 1:** To promote and encourage the conservation and preservation of the County's natural environment, cultural heritage and amenities in accordance with legislation, plans and policies developed to specifically address these areas and to ensure a rich cultural landscape, healthy environment and the full provision of ecosystems services in the county.
- **HLP 3:** To contribute as appropriate towards the protection of designated sites in compliance with relevant EU Directives and applicable National Legislation.
- **HLP 13:** To resist development in or adjacent to any Natura 2000 site (SPA or SAC) where it would result in the deterioration of that habitat or any species reliant on it. The onus will be on the developer to demonstrate that any such development will not adversely impact on the qualifying interest of such sites subject to the preparation of an appropriate assessment exercise under the provisions of the EU Habitats Directive.
- **HLP 15:** To ensure that all development proposals comply with the Department of Environment, Heritage and Local Government publication, Appropriate Assessment of Plans and Projects in Ireland-Guidance for Planning Authorities 2010 or any new or updated/subsequent version.
- **HCP 16:** Any plan or project that could have a significant adverse impact (either by themselves or in combination with other plans and projects) upon the conservation objectives of any Natura 2000 site will not be permitted.
- **HLP 17:** Any plan or project which is likely to impact on the conservation objectives of a Natura 2000 site shall be screened for Appropriate Assessment (AA) and where pertinent, a Stage 2 Appropriate Assessment (Natura Impact Statement) shall be undertaken in order to make a determination. Natura 2000 sites outside the County and located within 15km of the proposed development site should also be screened for Appropriate Assessment. A Natura Impact Statement shall incorporate a written statement which sets out mitigation measures to prevent the risk of invasive species onto a Natura 2000 site.
- **GIP 6:** To contribute towards the protection and enhancement of biodiversity and ecological connectivity, including woodlands, trees, hedgerows,

wetlands, rivers, streams, other landscape features and associated wildlife where these form part of the ecological network and/or may be considered as ecological corridors or stepping stones in the context of Article 10 of the Habitats Directive.

- **WPP 1:** In assessing applications for developments, the Council will consider the impact on the quality of surface waters and will have regard to targets and measures set out in the River Basin Management Plan for Ireland 2018-2021 and any subsequent local or regional plans.
- **WPP 17:** To contribute towards the protection of existing and potential water resources, and their use by humans and wildlife, including rivers, streams, groundwater and associated habitats and species in accordance with the requirements and guidance in the EU Water Framework Directive 2000 (2000/60/EC), the European Union (Water Policy) Regulations 2003 (as amended), the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (SI No. 272 of 2009), the Groundwater Directive 2006/118/EC and the European Communities Environmental Objectives (groundwater) Regulations, 2010 (S.I. No. 9 of 2010) and other relevant EU Directives, including associated national legislation and policy guidance (including any superseding versions of same). To also support the application and implementation of a catchment planning and management approach to development and conservation, including the implementation of Sustainable Drainage System techniques (SUDS) for new development.
- **ISP 1:** To ensure that development proposals do not lead to the spread of invasive species and to ensure that landscaping proposal do not include invasive species.
- **ISP 2:** To support, as appropriate, the National Parks and Wildlife Service's efforts to seek to control and manage the spread of non-native invasive species on land and water. Where the presence of non-native invasive species is identified at the site of any proposed development or where the proposed activity has an elevated risk of resulting in the presence of these species, details of how these species will be managed and controlled will be required.
- **WMP 1:** To implement and support the strategic objectives of the

Connaught-Ulster Regional Waste Management Plan 2015-2021 and any subsequent Waste Management Plan adopted during the current plan period.

5.10.2. The **Monaghan County Development Plan (CDP), 2025-2031** is currently at draft stage and the Proposed Material Alterations to the Draft CDP were published in March 2025. The zoning of the site remains unchanged (Industry/Enterprise/Employment) under the Draft CDP (Map CYDP1).

5.11. **Relevant Policy Guidance**

5.11.1. Policy Guidelines of relevance to the subject proposal include:

- Connaught-Ulster Regional Waste Management Plan 2015-2021, and,
- National Waste Management Plan 2024-2030.

6.0 The Natura Impact Statement

6.1. Monaghan County Council's application for the proposed development was accompanied by a Natural Impact Statement (NIS) which scientifically examined the proposed development and the European sites. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the site's conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.

6.2. An EPA AA Screening Determination is appended at Appendix 1 of the submitted NIS. In summary, this concluded the following:

- There is a hydrological connection between the closed landfill and Dundalk Bay SAC (Site Code: 000455) and Dundalk Bay SPA (Site Code: 004026).
- There is no hydrological connection between the closed landfill and Slieve Gullion NI SAC (Site Code: 0030277).
- The Agency completed an Appropriate Assessment of potential impacts on these sites, concluding that the integrity of any European site, particularly Dundalk Bay SAC (Site Code: 000455), Dundalk Bay SPA (Site Code: 004026) and Slieve Gullion NI SAC (Site Code: 0030277) will not be significantly affected if works are carried out in accordance with conditions

attached hereto.

7.0 Consultations

7.1. The application was circulated to the following bodies:

- Heritage Council,
- Inland Fisheries Ireland (Ballyshannon Regional Office),
- Environmental Protection Agency,
- Uisce Éireann (formerly Irish Water),
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media,
- Minister for the Environment, Climate and Communications, and,
- Minister for Housing, Local Government and Heritage.

8.0 Responses

8.1. **Prescribed Bodies**

8.1.1. A response has been received from Uisce Éireann dated 11th June 2024 which noted the following:

- The applicant/operator shall comply with the Water Framework Directive and River Basin Management Plan objectives to ensure that the development will not negatively impact on the water quality of source/receiving waters during both construction and operational phases.
- The applicant/operator shall meet the requirements of EIA Directive 2014/52/EU.
- The applicant/operator shall comply with the requirements of the Groundwater Directive, Article 6(1) of Directive 2000/60/EC.
- In the interest of Public Health and Environmental Sustainability the applicant/operator will comply with best practice Groundwater Protection Schemes set in the GSI Groundwater Protection Schemes.
- All development shall be carried out in compliance with Uisce Eireann's Standard Details and Codes of Practice.

8.2. **Public Submissions:**

8.2.1. No responses received.

9.0 EIA Screening

9.1. The proposed development has been subject to pre-screening for environmental impact assessment (refer to Form 1 in the Appendices of this report). It was determined that the proposed development was below the relevant threshold for a Class of development [sub-threshold development], that being:

Class 13. Changes, extensions, development and testing

(a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and.

9.2. As Schedule 7A information has been submitted by the Applicant, a Screening Determination was issued (See Form 3). Having regard to:

1. the criteria set out in Schedule 7, in particular
    a. the limited nature and scale of the proposed landfill remediation project,
    b. the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone,
    c. the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
    d. the guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
2. the results of other relevant assessments of the effects on the environment submitted by the applicant including the Natura Impact Statement.
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Natura Impact Statement, Construction and Environmental Management Plan and the Invasive Species Management Plan.

It is concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

10.0 Assessment

The assessment will be undertaken in three parts as per the requirements of Section 177AE as follows:

- The likely effects on the environment.
- The likely consequences for the proper planning and sustainable development of the area.
- The likely significant effects on a European site.

10.1. The Likely Consequences for the Proper Planning and Sustainable Development of the Area

10.1.1. Permission is being sought by the Local Authority (LA) for remediation works to the closed Killycard landfill site. In summary, the works comprise the provision of a new site access, site clearance works, grading/profiling of the existing site area and the installation of an engineered landfill capping system, surface and subsurface water drainage infrastructure and passive landfill gas management infrastructure. It is detailed within the application documents that the LA is responsible for the remediation of the closed landfill in accordance with a Certificate of Authorisation (CoA) for the site (Licence number: H0364-01). The EPA issued a CoA for the site on the 19th of March 2021 and Condition 3 of the CoA requires the LA to implement remediation works to the closed landfill in order to ensure *'..proper closure of the activity ensuring protection of the environment'* and therefore satisfy Condition No. 3.

10.1.2. In terms of the existing effects of the closed landfill site, surface water quality sampling was undertaken at locations upstream and downstream of the closed landfill site. The sampling took place in two rounds and were carried out on the 2nd and 9th of October 2018. The results of the surface water sampling were assessed against the Maximum Admissible Concentration (MAC) and the Environmental Quality Standard (EQS) for Surface Waters as set out in the European Communities Environmental Objectives (Surface Waters) Regulations 2009 (as amended). The results of the surface water

monitoring show 2 No. exceedances of the EQS (2009) guideline limit values for ammonia and BOD. Given that the determined groundwater flow direction is west-south-west from the waste body, it is the Applicant's view that the detected ammonia and BOD at these levels may be evidence of impact from the landfill. In addition, groundwater monitoring was undertaken by the Applicant from three boreholes (GW01, GW02, GW03) that were drilled to a total depth of 10.0m bgl at the site. In summary, based on the presence of elevated ammonia, coliform concentration, arsenic and potassium, it is assumed by the Applicant that the landfill waste body intercepts with the groundwater body and that the current soil cover is not sufficient to limit leachate production and prevent ground water contamination.

10.1.3. As part of the development, it is also proposed to install a landfill gas ventilation trench along the entire eastern boundary of the site. The ventilation trench will mitigate the risk of landfill gas migration to the neighbouring commercial properties. The ventilation trench will be constructed by excavating a trench to the depth of the waste body and backfilling with rounded drainage stone. Vertical standpipes will be installed at 20m centres along the trench to provide a pathway for landfill gas to vent to the atmosphere. The standpipes shall be fitted with rotating stainless-steel cowls and a carbon filter pack. The rotation of the cowls (by wind power) will induce a negative pressure or suction within the pipe network aiding ventilation. It is indicated that the carbon filter pack will neutralise any potential odours prior to exhaust to atmosphere.

10.1.4. It has been set out in the LA's application that the proposed development will reduce environmental risk associated with the closed landfill site and will have a positive impact on the receiving environment. It is their view that the development of an engineered cap above the body of deposited waste will prevent rainwater ingress and the generation of landfill leachate on-site. This in turn will ensure greater levels of protection of the receiving environment including underlying ground and groundwater, receiving downstream surface waters (Dundalk Bay SAC and Dundalk Bay SPA) which are protected under the Water Framework Directive, and receiving European (Natura 2000) sites. Overall, I am satisfied that the LA's proposals to undertake remediation works at the site would accord with the various policies and objectives of the current CDP which seek to promote the protection of natural environments,

ecosystems, designated sites and water bodies and quality of surface waters which I have discussed in Section 5.10 of this Report. Furthermore, the proposed development is considered to align with Policy WMP 1 of the current CDP which seeks to implement and support the strategic objectives of the Connaught-Ulster Regional Waste Management Plan (WMP) 2015-2021. It is a specific policy (G2) of the WMP to 'Roll-out the plan for remediating historic closed landfills prioritising actions to those sites which are the highest risk to the environment and human health'. Therefore, I am satisfied that the principle of development is acceptable at this location and is aligned with the pertinent policies/objectives of the operative CDP.

10.1.5. I note that a CEMP has been prepared for the proposal, and it is outlined that the construction period for the proposed development is estimated to be in the region of 5-7 months. The hours of construction activity are also proposed to be restricted to between 07:00 to 19:00, Monday to Saturday inclusive and any works on Sundays or public holidays will only be conducted in exceptional circumstances. The temporary site compound shall comprise a materials storage area, parking area and site offices in the form of portacabins and site canteen/welfare facilities which are provided within the south-eastern portion of the site and outside the footprint of the capping area (i.e. within the existing concrete yard area). Access to the compound shall be via the existing access to the site off the R183. It is confirmed that waste from the welfare facilities (i.e., Portaloo(s)) will be stored temporarily prior to disposal at a licensed wastewater treatment plant. It is noted within the Applicant's documents that access to the closed landfill site shall be via the R183. However, I note that the location of the site access to the site has not been clearly identified on the submitted drawings. It is assumed that the Applicant is proposing to utilise the existing agricultural entrance which is centrally located within the site's southern boundary. Although, sightlines for the existing entrance have not been provided on the submitted drawings, noting the overall duration of the proposed works, the horizontal and vertical alignment of the R183 at this location and the Applicant's proposed Traffic Management Plan (i.e. Drawing No. P22-071-0100-0007), I am satisfied that the Applicant's proposals are acceptable and will not constitute a traffic hazard at this location.

10.1.6. On balance, the proposed development, which comprises remediation works to a

closed landfill site is fully supported by local through to national policy and is therefore in accordance with the proper planning and sustainable development of the area.

10.2. **The likely effects on the environment**

10.2.1. It is confirmed within the application documents that the closed landfill commenced operations in 1980 until operations ceased in 1987. Since its closure the site has been covered with a soil cap and no other remediation works have been carried out. It is understood that waste deposited at the site comprises municipal solid waste (MSW) to a maximum depth of 2.4m below ground level (BGL). It is noted that the maximum waste footprint is c.1.34ha. and interred volume of waste deposited at the site is estimated at c. 29,700m³.

10.2.2. The proposed works involve the installation of an engineered landfill capping system which will cover an area of approximately 13,400sqm. This will isolate the waste body from rainfall inputs which might otherwise produce leachate and will protect the underlying ground water and adjacent surface waters. Through the installation of a below liner landfill gas system, the proposed development will also minimise the potential for uncontrolled landfill gas migration and provide a physical barrier between the finished surface and buried waste.

10.2.3. The main potential environmental effects associated with the proposed remediation works relate to the potential for emissions. Construction machinery and vehicular transport will likely cause release of pollutants in the form of exhaust emissions. However, these impacts are considered to be negligible given the scale of development and the duration of the proposed works. During the construction phase, it is acknowledged that there will be noise emissions. However, these will be time limited nuisances and can be controlled and limited through adherence with the Applicant's CEMP. Additional traffic will be generated on the surrounding road network during the construction phase. However, I am satisfied that there are no likely significant effects on the environment due to the duration of the works and the limited number of HGVs/LGVs required.

10.2.4. Given the presence of drainage ditches along the northern and southern site

boundaries and the site's western abuttal with Corrinshigo Lough, there is also the potential for emissions to water that could result from sedimentation release during excavation and the release of pollutants, with potential associated consequential effect upon water quality. I am also conscious of the submission on file from Uisce Éireann which notes that the applicant/operator shall comply with the Water Framework Directive and River Basin Management Plan objectives to ensure that the development will not negatively impact on the water quality of source/receiving waters during both construction and operational phases. The potential for such emissions to water and necessary mitigation has been addressed in the Applicant's NIS and is discussed in further detail in Section 10.3 below. Gases have formed due to the natural biodegradation of waste that has been deposited on site. However, a gas collection system will be constructed to collect and direct landfill gas that may be present to controlled venting outlets. This will have a positive impact on air quality as the proposal will facilitate the controlled venting of gas to the atmosphere.

10.2.5. In terms of visual impact, there will be minor excavations on site including re-profiling of the existing land surface and the provision of a subsoil and topsoil layer. These works are temporary in nature and the proposal will ultimately result in the site being reinstated as agricultural land following the completion of the remediation works. I note there are no recorded monuments or Protected Structures either on or within the immediate vicinity of the subject site. Given the nature and scale of the proposed development and the lack of landscape/visual sensitivities in the immediate area, I am satisfied that the proposed development will not have a significant impact on the receiving landscape or on any features of cultural significance.

10.2.6. It is noted that an ISMP has been prepared for the proposed development. Within this Plan, it is indicated that a previous site walkover carried out on the 12th of June 2018 identified stands of Japanese knotweed along the western bank of the landfill by the shore of the Corrinshigo Lough (mapped in Figure 3-1). It is noted that the Japanese knotweed seemed to be under treatment with herbicides and no invasive species were found on site during the surveys conducted on the 14th of May 2022. It is indicated that the ISMP is being prepared as a prudent measure in the event that Japanese Knotweed is found on site at any point prior to the commencement of the works,

throughout the duration of the works or during post works monitoring. To inform the ISMP, a desktop study was carried out to identify existing records of invasive flora species both within and adjacent to the closed landfill site, as well as habitat suitability of the footprint of the remediation works for the invasive species. Furthermore, the habitats at the site were identified and classified, according to 'A Guide to Habitats in Ireland' (Fossitt, 2000) during a walkover survey on the 14th of May 2022, during which invasive species were identified and mapped. Section 5 of the ISMP provides the recommended measures for the general prevention of spread within the site and works footprint both in terms of containment and treatment and control options. A management plan is then set out in Section 6 of the ISMP. In addition, the typical burial detail has been illustrated on Drawing No. P22-071-0100-0008. Overall, I am satisfied that the Applicant's proposals are acceptable.

10.2.7. As detailed, the Applicant has confirmed that the 2018 groundwater monitoring results showed multiple parameters, namely ammoniacal nitrogen, alkalinity, total coliforms, arsenic, barium, iron, lead, manganese, nickel, potassium and mineral oil exceeded the EPA Interim Guideline Values (IGVs) and the Overall Threshold Value Range (OTVR) for Groundwater. In addition, elevated levels of ammoniacal nitrogen and biological oxygen demand (BOD) were recorded in the surface water monitoring results. Having regard to the totality of the documentation on file, it is considered that the proposed remediation works will improve emissions from the site in the long term, with an overall a positive impact in terms of water quality within the river network downstream following the reduction in leachate generation through the construction of the engineered cap. The development will also result in improved air quality following the installation of the passive landfill gas management infrastructure. The proposed development is therefore considered to be acceptable in this regard.

10.3. **The likely significant effects on a European site:** The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

10.3.1. **Compliance with Articles 6(3) of the EU Habitats Directive**

10.3.1.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

10.3.2. **The Natura Impact Statement (NIS)**

10.3.2.1. The application was accompanied by an NIS which described the proposed development, the project site and the surrounding area. Appended to the NIS is an EPA AA Screening Determination which screened the project in for Appropriate Assessment during their approval of a Certificate of Authorisation for the remediation works. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within the 2 no. European Sites that have the potential to be affected by the proposed development. It predicted the potential impacts for these sites and their conservation objectives, it suggested mitigation measures, and assessed in-combination effects with other plans and projects.

10.3.2.2. It is detailed within the Applicant's NIS that there is a hydrological connection between the closed landfill and the Dundalk Bay SAC and SPA. It is stated that the site is located within the Newry, Fane, Glyde and Dee catchment, sub catchment Fane_SC_0103 (Code: 06_84). The site is adjacent to a drain (north) which flows from the Corrinshigo Lough into the Drumillard Lough (segment code: 06_231). This Lough is drained by the Fane (EPA code: 06F01) which flows into Lough Muckno (segment code: 06_56). The Fane continues to the south-east after Lough Muckno and flows into Lough Ross (segment code: 06_GBNI3NB0020_1). Upon leaving Lough Ross, the Fane continues to flow in a south-eastern direction until it drains into the Dundalk Bay, which is c. 45 km downstream from the closed landfill site. As such, a hydrological connection exists between the Killycard closed landfill and the Dundalk Bay SAC and SPA.

10.3.2.3. To inform the assessment, surface water quality monitoring locations were selected upstream and downstream of the closed landfill site. Furthermore, groundwater monitoring was undertaken from three boreholes (GW01, GW02, GW03) on the 2nd and 9th of October 2018 the boreholes were drilled to a total depth of 10.0m bgl at the site. The boreholes were drilled for installing groundwater monitoring installations. The NIS was also informed by desktop and field surveys.

10.3.2.4. The report concluded that, subject to the implementation of the recommended mitigation measures, the proposed development would not adversely affect the integrity of European sites. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, does clearly identify the potential impacts, and does use best scientific information and knowledge. Details of mitigation measures have been provided and are summarised in Table 5-1 of the NIS. I am satisfied that the information is sufficient to allow for an appropriate assessment of the proposed development (see further analysis below).

10.3.3. **Screening for Appropriate Assessment**

10.3.3.1. The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects on a European site. Section 177(AE) (3) states that where a Natura Impact Statement has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.

10.3.3.2. The proposed development is not directly connected with or necessary to the management of any European site. Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, the following European Sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

Table 10.1: European sites considered for Stage 1 screening

European site (SAC/SPA)	Qualifying Interests	Connections (Source, pathway, receptor)	Considered further in screening. Y/N
Dundalk Bay SAC (Site Code: 000455)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]	Yes. Indirect Hydrological connection. SAC is located c. 44.5km downstream of the site	Yes, due to the hydrological connectivity.
Dundalk Bay SPA (Site Code: 004026)	Great Crested Grebe (Podiceps cristatus) [A005] Greylag Goose (Anser anser) [A043] Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Mallard (Anas platyrhynchos) [A053] Pintail (Anas acuta) [A054] Common Scoter (Melanitta nigra) [A065] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140]	Yes. Indirect Hydrological connection. SPA is located c. 44km downstream of the site	Yes, due to the hydrological connectivity.

European site (SAC/SPA)	Qualifying Interests	Connections (Source, pathway, receptor)	Considered further in screening. Y/N
	Grey Plover (Pluvialis squatarola) [A141] Lapwing (Vanellus vanellus) [A142] Knot (Calidris canutus) [A143] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Herring Gull (Larus argentatus) [A184] Wetland and Waterbirds [A999]		
Slieve Gullion NI SAC (Site Code: 0030277)	European dry heaths		No, due to the absence of a hydrological or any other connection or pathway between the subject site and the European site

10.3.3.3. Based on my examination of the NIS and the supporting information, the NPWS and DAERA (NI) websites, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required for the

Dundalk Bay SAC (Site Code: 000455) and Dundalk Bay SPA (Site Code: 004026) of the 3 European sites referred to above.

10.3.3.4. The remaining site, namely the Slieve Gullion NI SAC (Site Code: 0030277), can be screened out from further assessment because there is no hydrological or any other connection or pathway between the subject site and the European site. In addition, I have had regard to the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive linkage between the proposed works and the European site. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect Slieve Gullion NI SAC (Site Code: 0030277), in view of the site's conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for this site.

10.3.4. **Appropriate Assessment**

10.3.4.1. The requirements of Article 6(3) as related to Appropriate Assessment of a project under part XAB, Section 177AE of the Planning and Development Act, 2000 (as amended) are considered fully in this section. Taking account of the preceding screening determination, the following is an Appropriate Assessment of the implications of the proposed landfill remediation development in view of the relevant conservation objectives of Dundalk Bay SAC and Dundalk Bay SPA based on scientific information provided by the applicant. The information relied upon includes the following:

- Natura Impact Statement prepared by Fehily Timoney,
- Construction and Environmental Management Plan prepared by Fehily Timoney,
- Invasive Species Management Plan prepared by Fehily Timoney, and,
- Environmental Impact Assessment Screening Report prepared by Fehily Timoney.

10.3.4.2. As noted, I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Table 10.2: Dundalk Bay SAC

Dundalk Bay SAC (Site Code: 000455): Summary of Key issues that could give rise to adverse effects: i. Water quality degradation (construction phase only). See Table 3-1 of the NIS			
Qualifying Interest features likely to be affected	**Conservation Objectives Targets and attributes (as relevant -summary)**	**Potential adverse effects**	**Mitigation measures (summary)** NIS Section 5-1
Estuaries [1130]	Maintain the favourable conservation condition specifically with regard to habitat area and community distribution.	Silt will be produced during site clearance, reprofiling of 13,400m3 of the existing capping as well as the placement of subsoil and topsoil, and installation of drainage and infrastructure. Hazardous materials such as concrete, hydrocarbons from machinery and leachate from the waste body may also enter the surface water network during construction. All works related to the construction phase will be temporary (5-7 months) and the operational phase will be inert in terms of sedimentation and hazardous materials.	- Toolbox Talk, - Compaction of stored soils, - Weather forecast monitoring, - Minimise disturbance of waste body, - Silt fences, - Specified access track materials, - Pollution control measures, - Removal of sanitary waste off-site, - Road sweeping, - Operational phase mitigation.
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition specifically with regard to habitat area and community distribution.	As above.	

Perennial vegetation of stony banks [1220]	To maintain the favourable conservation condition specifically with regard to habitat area and distribution; physical structure in regard to functionality and sediment supply; vegetation structure in regard to zonation, typical species and sub-communities as well as negative indicator species.	As above.	
Salicornia and other annuals colonising mud and sand [1310]	To restore the favourable conservation condition specifically with regard to habitat area and distribution; physical structure in regard to sediment supply, creeks and pans and flooding regime; vegetation structure in regard to zonation, vegetation height and vegetation cover as well as negative indicator species *Spartina anglica*; vegetation composition in regard to typical species and sub communities.	As above.	
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	To maintain the favourable conservation condition specifically with regard to habitat area and distribution; physical structure in regard to sediment supply, creeks and pans and flooding regime; vegetation structure in regard to zonation, vegetation height and vegetation cover as well as negative indicator species *Spartina anglica*; vegetation	As above.	

	composition in regard to typical species and subcommunities.		
Mediterranean salt meadows (Juncetalia maritimi) [1410]	To maintain the favourable conservation condition specifically with regard to habitat area and distribution; physical structure in regard to sediment supply, creeks and pans and flooding regime; vegetation structure in regard to zonation, vegetation height and vegetation cover as well as negative indicator species *Spartina anglica*; vegetation composition in regard to typical species and subcommunities.	As above.	

Assessment of issues that could give rise to adverse effects:

i. Water quality degradation

As the impact pathway is a hydrological one via surface waters, the qualifying interests of the Dundalk Bay SAC which may be vulnerable to such impacts are those reliant on the maintenance or restoration of surface water quality. It is detailed within the NIS that there is a very low possibility of sedimentation occurring in Dundalk Bay as a result of the proposed rehabilitation works given the hydrological distance (c. 44.5km) between the site and Dundalk Bay. Additionally, it is noted that the catchment area of the Newry, Fane, Glyde and Dee rivers is 2,125km^2, while the footprint of the landfill capping area is ca 13,400m^2 (This equates to ca. 0.00063% of the catchment area). It is noted that temporary disturbance to soil within 0.00063% of the river catchment would not result in extensive sedimentation of the watercourse, or of the downstream Dundalk Bay.

The scale and nature of the works introduce potential sources for effects to local waterways through hydrological interactions. The effects identified relate to the construction phase only – as the operational phase effects will be consistent with the receiving environment and existing land uses within the area. As noted above, the hydrological pathway introduces substantial dilution effects. However, following the precautionary principal, mitigation measures have been developed to avoid and minimise associated effects.

Mitigation measures and conditions

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design (avoidance), application of specific mitigation measures and monitoring effectiveness of measures. Measures include:

Prior to Construction

- Toolbox Talk - Toolbox talks will be undertaken with construction staff on operation and maintenance of hydrological interaction control measures.

During Construction

- Compact surface of stored soils during reprofiling and capping works – Minimise generation of suspended solids, dust and any other contaminant mobilisation which may enter the nearby open watercourse.
- Weather forecasts will be reviewed daily, and earthworks will not be undertaken during periods of heavy rainfall – Minimise generation of suspended solids, dust and any other contaminant mobilisation which may enter the nearby open water source
- Minimise disturbance of the waste body and cover any exposed waste at the end of each working day - Minimize risk of materials and substances from the waste body entering into adjacent waterbodies.
- Temporary silt fences will be installed along the site perimeter and around soil stockpiles – Minimise ingress of suspended solids into adjacent waterbodies.
- The access track will be resurfaced with Clause 804 with minimal fines – Minimise generation of suspended solids.
- Any diesel, fuel or hydraulic oils stored on site will be stored in bunded storage tanks. The bund area will have a volume of at least 110 % of the volume of such materials stored – Reduce the risk of hydrocarbons reaching the waterways within the catchment of the proposed remediation works.
- Appropriate spill control equipment, such as oil soakage pads, will be kept within the construction area and in each item of plant to deal with any accidental spillage – Reduce the risk of hydrocarbons reaching the waterways within the catchment of the proposed remediation works.
- Portaloos and/or containerised toilets and welfare units will be used to provide toilet facilities for site personnel. Sanitary waste will be removed from site by a licensed waste disposal contractor - Ensure that no sanitary waste enters the waterways within the catchment of the proposed remediation works.
- Daily road sweeping and maintenance will prevent soil from earthworks being deposited to the R183 – Minimise generation of suspended solids.

Operational

- The capped surface will be vegetated postconstruction to prevent the generation of silted runoff – Minimise generation of suspended solids
- The constructed surface drainage system will filter surface water before it enters the receiving watercourses – Minimise generation of leachate.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected habitats and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Additional mitigation measures have been set out in Section 4 of the CEMP and a condition requiring compliance with same is recommended.

In-combination effects

The development is catered for through land use planning, including the Monaghan County Development Plan, 2019-2025, covering the location of the application site. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. In-combination effects have been considered in Section 3.2 of the NIS and it is indicated that a desk-based analysis was undertaken of other plans and projects in the surrounding area.

I am satisfied that in-combination effects have been assessed adequately in the NIS. Following a review of the Monaghan Planning Application Register and the Planning Search included within Appendix 2 of the NIS, it is considered that there are no other plans and projects that could combine to generate significant effects when mitigation measures are considered. I have not identified any planning permissions which, in combination with the project, would be likely to

have a potential in-combination effect. Therefore, I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of the European site.
Findings and conclusions The applicant determined that following the implementation of mitigation measures, the construction phase of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site. Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Dundalk Bay SAC. No direct impacts are predicted. Mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. Monitoring measures are proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted. **Reasonable scientific doubt** I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects. **Site Integrity** The proposed development will not affect the attainment Conservation objectives of the Dundalk Bay SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Table 10.3: Dundalk Bay SPA

Dundalk Bay SPA (Site Code: 004026): Summary of Key issues that could give rise to adverse effects: i. Water quality degradation (construction phase only). See Table 3-1 of the NIS			
Qualifying Interest features likely to be affected	**Conservation Objectives Targets and attributes (as relevant -summary)**	**Potential adverse effects**	**Mitigation measures (summary)** NIS Section 5-1
Great Crested Grebe (Podiceps cristatus) [A005]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution	Silt will be produced during site clearance, reprofiling of 13,400m3 of the existing capping as well as the placement of subsoil and	- Toolbox Talk, - Compaction of stored soils, - Weather forecast monitoring, - Minimise disturbance of waste body, - Silt fences,

		topsoil, and installation of drainage and infrastructure. Hazardous materials such as concrete, hydrocarbons from machinery and leachate from the waste body may also enter the surface water network during construction. All works related to the construction phase will be temporary (5-7 months) and the operational phase will be inert in terms of sedimentation and hazardous materials. However, taking the precautionary principle, siltation or pollution could decrease water quality during the construction phase negatively impacting on habitat area.	- Specified access track materials, - Pollution control measures, - Removal of sanitary waste off-site, - Road sweeping, - Operational phase mitigation.
Greylag Goose (Anser anser) [A043]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution	As above.	
Light-bellied Brent Goose (Branta bernicla hrota) [A046]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution	As above.	
Shelduck (Tadorna tadorna) [A048]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and	As above.	

	distribution		
Teal (Anas crecca) [A052]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution	As above.	
Mallard (Anas platyrhynchos) [A053]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Pintail (Anas acuta) [A054]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Common Scoter (Melanitta nigra) [A065]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Red-breasted Merganser (Mergus serrator) [A069]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Oystercatcher (Haematopus ostralegus) [A130]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Ringed Plover (Charadrius hiaticula) [A137]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	

Golden Plover (Pluvialis apricaria) [A140]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Grey Plover (Pluvialis squatarola) [A141]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Lapwing (Vanellus vanellus) [A142]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Knot (Calidris canutus) [A143]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Dunlin (Calidris alpina) [A149]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Black-tailed Godwit (Limosa limosa) [A156]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Bar-tailed Godwit (Limosa lapponica) [A157]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	

Curlew (Numenius arquata) [A160]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Redshank (Tringa totanus) [A162]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Black-headed Gull (Chroicocephalus ridibundus) [A179]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Common Gull (Larus canus) [A182]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Herring Gull (Larus argentatus) [A184]	To maintain the favourable conservation condition of the bird species specifically with regard to population trend and distribution.	As above.	
Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of the bird species specifically with regard habitat area.	As above.	

Assessment of issues that could give rise to adverse effects:

i. Water quality degradation

Maintenance of good water quality is an attribute required to maintain favourable conservation condition for the forementioned species. As the impact pathway is a hydrological one via surface waters, the qualifying interests of the Dundalk Bay SPA which may be vulnerable to such impacts are those reliant on the maintenance of surface water quality. It is detailed within the NIS that there is a very low possibility of sedimentation occurring in Dundalk Bay as a result of the proposed rehabilitation works given the hydrological distance (c. 44km) between the site and Dundalk Bay. Additionally, it is noted that the catchment area of the Newry, Fane, Glyde and Dee rivers is 2,125km^2, while the footprint of the landfill capping area is ca 13,400m^2

(This equates to ca. 0.00063% of the catchment area). It is noted that temporary disturbance to soil within 0.00063% of the river catchment would not result in extensive sedimentation of the watercourse, or of the downstream Dundalk Bay.

The scale and nature of the works introduce potential sources for effects to local waterways through hydrological interactions. The effects identified relate to the construction phase only – as the operational phase effects will be consistent with the receiving environment and existing land uses within the area. As noted above, the hydrological pathway introduces substantial dilution effects. However, following the precautionary principal, mitigation measures have been developed to avoid and minimise associated effects.

Mitigation measures and conditions

The focus of mitigation measures proposed are at preventing ingress of pollutants and silt into surface water and receiving watercourses. This is to be achieved via design (avoidance), application of specific mitigation measures and monitoring effectiveness of measures. Measures include:

Prior to Construction

- Toolbox Talk - Toolbox talks will be undertaken with construction staff on operation and maintenance of hydrological interaction control measures.

During Construction

- Compact surface of stored soils during reprofiling and capping works – Minimise generation of suspended solids, dust and any other contaminant mobilisation which may enter the nearby open watercourse.
- Weather forecasts will be reviewed daily, and earthworks will not be undertaken during periods of heavy rainfall – Minimise generation of suspended solids, dust and any other contaminant mobilisation which may enter the nearby open water source
- Minimise disturbance of the waste body and cover any exposed waste at the end of each working day - Minimize risk of materials and substances from the waste body entering into adjacent waterbodies.
- Temporary silt fences will be installed along the site perimeter and around soil stockpiles – Minimise ingress of suspended solids into adjacent waterbodies.
- The access track will be resurfaced with Clause 804 with minimal fines – Minimise generation of suspended solids.
- Any diesel, fuel or hydraulic oils stored on site will be stored in bunded storage tanks. The bund area will have a volume of at least 110 % of the volume of such materials stored – Reduce the risk of hydrocarbons reaching the waterways within the catchment of the proposed remediation works.
- Appropriate spill control equipment, such as oil soakage pads, will be kept within the construction area and in each item of plant to deal with any accidental spillage – Reduce the risk of hydrocarbons reaching the waterways within the catchment of the proposed remediation works.
- Portaloos and/or containerised toilets and welfare units will be used to provide toilet facilities for site personnel. Sanitary waste will be removed from site by a licensed waste disposal contractor - Ensure that no sanitary waste enters the waterways within the catchment of the proposed remediation works.
- Daily road sweeping and maintenance will prevent soil from earthworks being deposited to the R183 – Minimise generation of suspended solids.

Operational

- The capped surface will be vegetated postconstruction to prevent the generation of silted runoff – Minimise generation of suspended solids
- The constructed surface drainage system will filter surface water before it enters the receiving watercourses – Minimise generation of leachate.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected avian species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Additional mitigation measures have been set out in Section 4 of the CEMP and a condition requiring compliance with same is recommended.

In-combination effects

The development is catered for through land use planning, including the Monaghan County Development Plan, 2019-2025, covering the location of the application site. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. In-combination effects have been considered in Section 3.2 of the NIS and it is indicated that a desk-based analysis was undertaken of other plans and projects in the surrounding area.

I am satisfied that in-combination effects have been assessed adequately in the NIS. Following a review of the Monaghan Planning Application Register and the Planning Search included within Appendix 2 of the NIS, it is considered that there are no other plans and projects that could combine to generate significant effects when mitigation measures are considered. I have not identified any planning permissions which, in combination with the project, would be likely to have a potential in-combination effect. Therefore, I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of the European site.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures, the construction phase of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from the proposed development can be excluded for the Dundalk Bay SPA. No direct impacts are predicted. Mitigation measures are described to prevent ingress of silt laden surface water and other construction related pollutants. Monitoring measures are proposed. I am satisfied that the mitigation measures proposed to prevent such effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment Conservation objectives of the Dundalk Bay SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

10.3.5. **Residual effects/Further analysis**

10.3.5.1. On foot of the employment of mitigation measures, no adverse effects on the qualifying interests of Dundalk Bay SAC or SPA are anticipated. The generation of suspended solids and leachate will be minimised, in addition, material will be prevented from entering receiving watercourses.

10.3.6. **Appropriate Assessment Conclusion**

10.3.6.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Dundalk Bay SAC and SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177(AE) was required.

10.3.6.2. Following an examination, analysis and evaluation of the NIS and all associated material submitted, I consider that adverse effects on site integrity of the Dundalk Bay SAC and the Dundalk Bay SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure the application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Dundalk Bay SAC or the Dundalk Bay SPA.

11.0 Recommendation

11.1. On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

12.0 Reasons and Considerations

12.1. 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 Dundalk Bay SAC (Site Code: 000455) and the Dundalk Bay SPA (Site Code: 004026),
e. the policies and objectives of the Monaghan 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 a 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:

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

12.3. 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 SAC (Site Code: 000455) and the Dundalk Bay SPA (Site Code: 004026), in view of the site's 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.

12.4. 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 site's 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 site's conservation objectives.

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

12.5. 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.

Conditions

1. 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.

2. 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.

3. 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 interest of nature conservation and biodiversity

4. The mitigation and monitoring measures identified in the Natura Impact Statement shall be implemented in full except as may otherwise be required in order to comply with other conditions.
   Reason: In the interest of protecting the environment, the protection of European Sites.

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. All conditions attached to the closed landfill certificate of authorisation and in particular Condition No. 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.

Enda Duignan
Senior Planning Inspector

29th April 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319560-24
Proposed Development Summary	The completion of Closed Landfill Remediation Works at a Closed Landfill site.
Development Address	Killycard, Castleblaney, County Monaghan.

1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	**Yes**	✓
	No	

2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓		Proceed to Q3.
No			

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	✓		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	✓	Class 13(a)(i)	Preliminary examination required (Form 2)

. Has Schedule 7A information been submitted?

No		**Screening determination remains as above (Q1 to Q4)**
Yes	✓	**Screening Determination required**

Inspector: _____ **Date:** 29/04/2025

Form 3 - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-319560-24	
Development Summary	The completion of Closed Landfill Remediation Works at a Closed Landfill site.	
	Yes / No / N/A	**Comment (if relevant)**
1. Was a Screening Determination carried out by the PA?	**No**	
2. Has Schedule 7A information been submitted?	**Yes**	
3. Has an AA screening report or NIS been submitted?	**Yes**	
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	**No**	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	**Yes**	

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) **Mitigation measures** –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	**No**	The subject site will be reinstated as agricultural lands following the completion of the remediation works which is a land use that is typically in keeping with the character of the surrounding area.	**No**
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	**Yes**	Site clearance works are proposed which includes ground clearance and the removal of site fences. Given the limited nature of the works and subject to adherence with the CEMP, it is considered that the proposed works will not have a significant impact on any environmental receptor.	**No**

		There will be minor excavations on site including re-profiling of the existing land surface and the provision of a subsoil and topsoil layer. These are temporary in nature and the site will be reinstated upon completion of the works. It is highlighted that all cut materials will be used as fill in local depressions and all cut and fill works will be carried out within the site boundary. Invasive species will be excavated and buried on site within the extent of the engineered cap to prevent any further spread. I am satisfied that this can be successfully managed through strict adherence to the invasive species management plan that has accompanied the application.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	**Yes**	It has been highlighted that natural resources will be used in the form of materials for construction including granular dust material for the cap, sub-soils, top-soils, geocomposite material, HDPE pipework, and LLDPE material. Diesel fuel will also be used to power the on-site generator and mobile plant to be utilized during remediation works. However, given the scale of development, it will not involve the use of significant levels of natural resources and as such and is in line with existing and established trends in terms of carrying out remediation works on closed landfill sites.	**No**
1.4 Will the project involve the use, storage, transport, handling or production of substance	**Yes**	Whilst the proposal relates to the works to a closed landfill site, the overall intention of the remediation works is to reduce the environmental impacts associated with this historic development.	**No**

which would be harmful to human health or the environment?		The LLDPE barrier will provide an engineered barrier that will isolate the waste body from rainfall inputs and prevent leachate production that might otherwise contaminate groundwater. The proposed remediation works will have a positive impact on water quality within the river network downstream because leachate generation will reduce following construction of the engineered cap.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	**Yes**	There will be minor waste material generated due to clearance works being undertaken on site. However, all waste will be removed by a licenced waste operator and disposed of at a licensed facility. All excavated soils will be utilised on-site during grading/profiling works. Japanese Knotweed was identified on site as an invasive species. However, all invasive species will be buried with a minimum 2.0m cover within a dedicated "fill" location within the waste body prior to placing the engineered cap, thereby preventing its spread.	**No**
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	**Yes**	Construction machinery and vehicular transport will likely cause the release of pollutants in the form of exhaust emissions. However, these impacts are considered to be negligible given the scale of development. Gases have formed due to the natural biodegradation of waste that has been deposited on site. However, a gas collection system will be constructed to collect and direct landfill gas that	**No**

		may be present to controlled venting outlets. This will have a positive impact on air quality as the proposal will facilitate the controlled venting of gas to the atmosphere.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	**Yes**	Noise emissions will occur from construction plant during the construction phase. Given the temporary duration of the works, it is unlikely that the EPA prescribed noise limits will be exceeded, and a CEMP has been prepared to mitigate noise emissions during construction.	**No**
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	**No**	Following remediation works, leachate will continue to be produced and enter groundwater for a time. However, remediation works will prevent rainwater from infiltrating the interred waste body therefore reducing the potential for leachate to be produced in the short term and ultimately preventing leachate production. The proposed remediation works will ultimately have a positive impact on water quality within the river network downstream because leachate generation will reduce following construction of the engineered cap. It is indicated that ongoing surface water discharge monitoring is proposed to ensure that no polluting surface water discharges are released from the site.	**No**
1.9 Will there be any risk of major accidents that could affect human health or the environment?	**No**	It has been indicated that there is a low risk of accidents during the construction and operation of the Project and a Health and Safety Plan will be developed to prevent health	**No**

		and safety impacts. Furthermore, it is detailed within the CEMP that an Environmental Management System and an Emergency Response Procedure will be in place to prevent the occurrence of ac idents which may affect environmental receptors.	
1.10 Will the project affect the social environment (population, employment)	**No**	The proposal will ultimately result in the site being reinstated as agricultural land following the completion of the remediation works.	**No**
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	**No**	As noted, the site will be used for agricultural grazing purposes following the completion of the works. The carrying out of the remediation works are not likely to have a significant effect on the environment when the projects are considered cumulatively.	**No**
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: European site (SAC/ SPA/ pSAC/ pSPA) NHA/ pNHA Designated Nature Reserve Designated refuge for flora or fauna Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	**Yes**	The site is hydrologically connected to the Dundalk Bay SAC and SPA which are located c. 45km downstream. The application has been accompanied by an NIS and I refer to Section of the Inspector's Report which concludes that there is no potential for adverse effects on the integrity of any European site identified with the adoption of the proposed mitigation measures.	**No**

2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	**No**	Having inspected the site and considered the NIS and Environmental Impact Assessment Screening Report, it is evident that there are no habitats within the subject site that conform to those listed under Annex I of the EU Habitats Directive. Whilst significant effects on Dundalk Bay SAC and Dundalk Bay SPA could not be ruled out, the implementation of the mitigation measures set out in the NIS will ensure that the integrity of the European sites will not be adversely affected.	**No**
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	**No.**	A ringfort (MO020-014) and souterrain (MO020-014001) are located c. 210m north of the subject site. It is confirmed that there are no other entries on the Record of Monuments and Places located within 500m of the site. There are also no Protected Structures located within 500m of the site. In this regard, no likely significant effects are anticipated.	**No**
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	**No**	There are no areas of scarce natural resources within or in the vicinity of the site. The surrounding area is typically characterised by agricultural lands, commercial properties and residential developments. It is considered that the existing land uses will not be affected by the proposed works subject to adherence to the environmental control and mitigation measures as set out in the CEMP and NIS.	**No**

2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	**Yes**	The site has a western abuttal to Corrinshigo Lough and there is an indirect hydrological connection to the Dundalk Bay SAC and SPA via the drainage ditches along the northern boundary. As noted, impacts on the integrity of the European sites can be ruled through adherence to the mitigation measures proposed. Furthermore, the site is not situated in a flood risk zone as designated in the OPW's flood risk maps.	**No**
2.6 Is the location susceptible to subsidence, landslides or erosion?	**No**	The site is relatively flat and is not located in an area that is susceptible to subsidence, landslides or erosion.	**No**
2.7 Are there any key transport routes (eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	**No**	Additional traffic will be generated on the surrounding road network during the construction phase. However, I am satisfied that there are no likely significant effects on the environment due to the duration of the works and the limited number of HGVs/LGVs required. It is indicated that material generated during excavation and reprofiling will be reutilised on-site thereby substantially reducing traffic movements associated with the construction phase. It is noted that traffic movements to the site will also take place in accordance with a Construction Traffic Management Plan.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	**No**	Existing land uses will not be affected by the proposed works given the environmental control and mitigation measures that will be in place during the construction and operational phases of the proposed development.	**No**

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	**No**	It is noted that there is an operational industrial building located within the eastern portion of the site. No remediation works are required at this building. It is considered that the carrying out of the remediation works are not likely to have a significant effect on the environment when the projects are considered cumulatively. A planning search of permissions in the surrounding area has also been included as Appendix 2 of the NIS. Overall, I am satisfied that the proposed remediation works will not lead to any significant cumulative effects.	**No**
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	**No**		**No**
3.3 Are there any other relevant considerations?	**No**		**No**
C. CONCLUSION			
No real likelihood of significant effects on the environment.	✓	EIAR Not Required	
Real likelihood of significant effects on the environment.	☐	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
Having regard to: 1. the criteria set out in Schedule 7, in particular			

e. the limited nature and scale of the proposed landfill remediation project,
f. the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone,
g. the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
h. the guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),

2. the results of other relevant assessments of the effects on the environment submitted by the applicant including the Natura Impact Statement.

3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Natura Impact Statement, Construction and Environmental Management Plan and the Invasive Species Management Plan.

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____ **Date** 29/04/2025

Approved (DP/ADP) _____ **Date** 29/04/2025