

Our Case Number: ABP-321627-25

Your Reference: Monaghan County Council

CS Pringle
Monaghan Road
Castleblayney
Co. Monaghan
A75 EP84

Date: 08 JUL 2025

Re: Proposed development of infrastructural improvements to Dromore Blueway from Ballybay to Lisnalong, Co. Monaghan. Application relates to a protected structure.
Ballybay to Lisnalong, County Monaghan.

Dear Sir / Madam,

An order has been made by An Coimisiún Pleanála determining the above-mentioned case. A copy of the order is enclosed.

In accordance with section 146(3) of the Planning and Development Act, 2000, as amended, the Commission will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Commission will also make available the Inspector's Report and the Direction on the decision on its website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The attachment contains information in relation to challenges to the validity of a decision of An Coimisiún Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

If you have any queries in relation to the matter please contact the undersigned officer of the Commission at laps@pleanala.ie

Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,



Breda Ingle
Executive Officer
Direct Line: 01-8737291

AA14

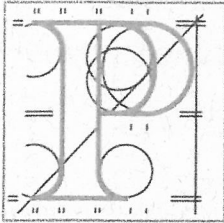
Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

Tel
LoCall
Fax
Website
Email

(01) 858 8100
1800 275 175
(01) 872 2684
www.pleanala.ie
communications@pleanala.ie

64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902



An
Coimisiún
Pleanála

Commission Order ABP-321627-25

Planning and Development Acts, 2000 to 2022

Planning Authority: Monaghan County Council

Application by Monaghan County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Coimisiún Pleanála on the 9th day of January, 2025.

Proposed Development: The proposed development will consist of the development of infrastructural improvements to the Dromore Blueway from Ballybay to Lisnalong, County Monaghan and of the following:

1. Renewing and widening slipway, provision of car park, removal of height restriction gate, internal laneways works at Ballycoghill Bridge,
2. New entrance, provision of car park, pathways, play area, new information board and picnic tables, improvement to existing slipway at Ballynascarva Bridge,
3. New drainage work to laneway and resurfacing, turning heads at White Lough, South Shore,
4. Renew and widen the slipway at Balladian Bridge,
5. Renew and widen the slipway, new turning head at Baird's Shore,
6. Improvement to existing slipway and gravelled area at Ballybay Wetlands,
7. Proposed floating pontoon, new information board at Lough Major,

8. Construction of ancillary works at all sites, including signages, permeable paving, fencing, landscaping, and other ancillary works required to deliver the project.

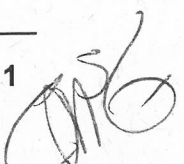
This application relates to protected structure reference: 41402310 (Ballycoghill Bridge)

All located at:

- Ballycoghill Bridge, Clossagh Beg,
- Ballynascarva Bridge, Lisnalong,
- White Lough, South Shore, Anny [DED: Anny],
- Balladian Bridge, Balladian,
- Baird's Shore, Drumselt [DED: Anny],
- Ballybay Wetlands, Derryvally,
- Lough Major, Cornamucklaglass, Ballybay, County Monaghan.

Decision

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



Reasons and Considerations

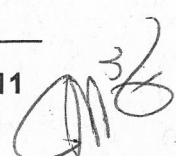
In performing its functions in relation to the making of its decision, the Commission had regard to:

- (a) Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State,
- (b) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive,
- (c) the European Union Habitats Directive (92/43/EEC),
- (d) the European Communities (Birds and Natural Habitats) Regulations 2011 as amended,
- (e) National Planning Framework, First Revision - Project Ireland 2040,
- (f) National Biodiversity Action Plan 2023-2030,
- (g) Regional Spatial & Economic Strategy 2020-2032 (RSES), Northern and Western Regional Assembly – Project Ireland 2040,
- (h) the policies and objectives of the Monaghan County Development Plan 2019-2025, and the Monaghan County Development Plan 2025-2031,

- (i) 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 European Sites,
- (j) the conservation objectives, and qualifying interests for the Upper Lough Erne Special Protection Area (UK9020071), Upper Lough Erne Special Area of Conservation (UK0016614), Lough Oughter & Associated Loughs Special Area of Conservation (000007), Lough Oughter Complex Special Protection Area (004049) European Sites,
- (k) the nature and extent of the proposed works as set out in the application for approval,
- (l) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (m) the submissions received in relation to the proposed development, and
- (n) the report and recommendation of the person appointed by the Commission to make a report and recommendation on the matter.

Appropriate Assessment: Stage 1:

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Upper Lough Erne Special Protection Area (UK9020071), Upper Lough Erne Special Area of Conservation (UK0016614), Lough Oughter & Associated Loughs Special Area of Conservation (000007), and Lough Oughter Complex Special Protection Area (004049) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Handwritten signature and initials, possibly 'M36', in the bottom right corner.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Upper Lough Erne Special Protection Area (UK9020071), Upper Lough Erne Special Area of Conservation (UK0016614), Lough Oughter & Associated Loughs Special Area of Conservation (000007), and the Lough Oughter Complex Special Protection Area (004049) in view of the Site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and,
- iii. the conservation objectives for the European Sites.

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

In overall conclusion, the Commission 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 and Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area, would not interfere with the existing land uses in the area, would be acceptable in terms of traffic and pedestrian safety, would be in accordance with relevant national, regional and development policy with regard to Blueways and would constitute an appropriate form of development at the subject site locations. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

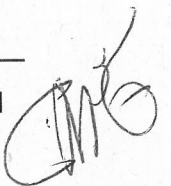
Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures identified in the Natura Impact Statement shall be implemented in full.

Reason: In the interest of protecting European Sites.



3. The mitigation and monitoring measures identified in the Ecological Impact Assessment submitted with the application shall be implemented in full.

Reason: In the interest of protecting the environment.

4. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development 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.

5. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the project ecologist and relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and Ecological Impact Assessment and demonstration of proposals to adhere to best practice and protocols and shall be kept on file as part of the public record. The CEMP shall include:

- (a) All mitigation measures indicated in the Natura Impact Statement
- (b) All mitigation measures indicated in the Ecological Impact Assessment
- (c) Location and extent of silt curtains to be installed on site
- (d) Pollution control measures to prevent spills/leakage of fuels/oils
- (e) Control measures to prevent the spread of invasive species
- (f) Details of pre-commencement surveys and timing of works
- (g) Specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness
- (h) A traffic management plan.

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

6. The following nature conservation requirements shall be complied with:

- (a) Prior to the commencement of development, details of measures to protect fisheries and water quality of the river system shall be outlined and placed on file to be kept on file as part of the public record. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority, and relevant statutory agencies and the programme shall be implemented thereafter.
- (b) Vegetation removal at Balladian Bridge and Ballycoghill Bridge shall occur outside of the bird-nesting season. No vegetation removal shall take place during the period of the 1st day of March to the 31st day of August (inclusive) without the written approval of the Ecological Clerk of Works. Such approval shall be placed on the public file.
- (c) All pre-commencement surveys as outlined in the Ecological Impact Assessment shall be enacted. A pre-construction otter survey by a suitability qualified ecologist shall be carried out before works commence.
- (d) Areas of Nuttall's Waterweed (*Elodea nuttallii*) and Canadian Waterweed (*Elodea canadensis*) shall be identified prior to the commencement of works. Control measures shall be put in place during works to prevent the spread of Nuttall's Waterweed between project sites via equipment and machinery or allow the propagation beyond the project area downstream to any European Natura designated site.
- (e) Environmental impacts to water quality during in-stream development works shall be avoided via the pre-commencement installation of silt curtains around slipways to trap released sediments. The resuspension of sediments shall be avoided.

Reason: In the interests of biodiversity, European Sites and nature conservation.

7. Prior to the commencement of development, at the Ballynascarva Bridge and Ballycoghill Bridge car park sites, a flood risk management plan shall be prepared by the local authority for these locations. The plan will also include for the installation of flood warning signage throughout the site, and measures to secure car parks at times of flooding.

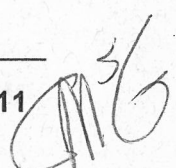
The above details shall be placed on file and retained as part of the public record.

Reason: In the interests of public safety.

8. The local authority and any agent acting on its behalf shall ensure that all plant and machinery used during the works shall be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

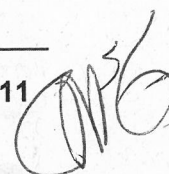
Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European sites.

9. (a) All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment (Archer Heritage Planning Limited, 22nd October 2024) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission.
- (b) The developer shall engage a suitably qualified licenced archaeologist (licensed under the National Monuments Acts) in advance of any site preparation works or groundworks to oversee and advise on all aspects of the scheme from design, through inception to completion, to carry out pre-



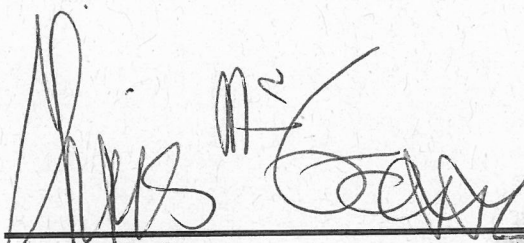
development archaeological testing, and to monitor all site clearance works, topsoil stripping, groundworks.

- i. The archaeologist shall liaise with the Department of Housing, Local Government and Heritage and the planning authority to agree in advance an overall strategy for archaeological works to be carried out both in advance of and in parallel with construction of the development.
 - ii. This shall include the scope of any advance test excavation and archaeological monitoring as well as any additional mitigation measures that may be required to protect archaeological heritage.
 - iii. This shall include the location, extent and method of demarcation for any exclusion zones around the external-most elements of vulnerable heritage assets that are to be preserved in situ (as identified in the Archaeological Impact Assessment or by any subsequent investigations associated with the project).
- (c) The Construction Environment Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in the Archaeological Impact Assessment and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
- (d) The planning authority and the Department shall be furnished with a final archaeological report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any



necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer. The report shall be placed on the file and retained as part of the public record.

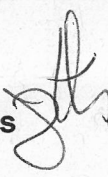
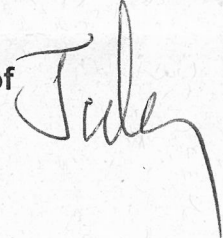
Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest, and to conserve the architectural heritage of the site and to secure its preservation and protection.

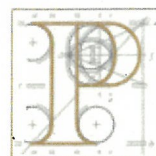


Chris McGarry

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



Dated this  day of  2025



Judicial Review Notice

Judicial review of An Coimisiún Pleanála decisions under the provisions of the Planning and Development Act 2000 (as amended)

A person wishing to challenge the validity of a Commission decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000, as amended, contain provisions in relation to challenges to the validity of a decision of the Commission.

The validity of a decision taken by the Commission may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act 2000 requires that any application for leave to apply for judicial review must be made within 8 weeks of the decision of the Commission, save for decisions made pursuant to a function transferred to the Commission under Part XIV of the Planning and Development Act 2000, where any application for to apply for judicial review must, as set out in sub-section 50(7), be made within 8 weeks beginning on the date on which notice of the decision of the Commission was first sent (or as may be the requirement under the relevant enactment, functions under which are transferred to the Commission, was first published). These time periods are subject to any extension which may be allowed by the High Court in accordance with sub-section 50(8).

Section 50A(3) states that leave for judicial review shall not be granted unless the Court is satisfied that (a) there are substantial grounds for contending that the decision is invalid or ought to be quashed and (b) that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

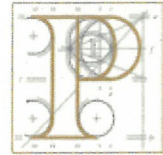
Section 50B contains provisions in relation to the costs of certain judicial review proceedings in the High Court; pursuant to Section 50B(1), Section 50B applies to the following proceedings:

- (a) proceedings in the High Court by way of judicial review, or of seeking leave to apply for judicial review, of –
 - (i) any decision or purported decision made or purportedly made,
 - (ii) any action taken or purportedly taken,
 - (iii) any failure to take any action, pursuant to a statutory provision that gives effect to
 - I. a provision of the EIA Directive 85/337/EEC as amended to which Article 10a (as inserted by Directive 2003/35/EC) of that Directive applies,
 - II. the SEA Directive 2001/42/EC, or
 - III. a provision of the IPPC Directive 2008/1/EC to which Article 16 of that Directive applies, or
 - IV. Article 6(3) or 6(4) of the Habitats Directive; or
- (b) an appeal (including an appeal by way of case stated) to the Supreme Court from a decision of the High Court in a proceeding referred to in paragraph (a) or (b);
- (c) proceedings in the High Court or the Supreme Court for interim or interlocutory relief in relation to a proceeding referred to in paragraph (a) or (b).

The general provision contained in section 50B(2) is that in proceedings to which the section applies each party shall bear its own costs. The Court however may award costs against any party in specific circumstances. There is also provision for the Court to award costs of proceedings or a portion of such costs to an applicant, to the extent that the applicant succeeds in obtaining relief, against a respondent or notice party, or both, to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on www.citizensinformation.ie.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.



Fógra faoi Athbhreithniú Breithiúnach

Athbhreithniú breithiúnach ar chinntí An Coimisiún Pleanála faoi fhorálacha na nAchtanna um Pleanáil agus Forbairt (arna leasú)

Ní fhéadfaidh duine ar mian leis nó léi agóid a dhéanamh in aghaidh bhailíocht chinneadh de chuid an Coimisiúin é sin a dhéanamh ach trí athbhreithniú breithiúnach. Tá forálacha in Alt 50, 50A agus 50B den Acht um Pleanáil agus Forbairt 2000, arna leasú, maidir le dúshláin i leith bhailíocht chinneadh an Coimisiúin.

Ní féidir bailíocht cinnidh arna ghlacadh ag an gCoimisiún a cheistiú ach amháin trí iarratas a dhéanamh ar athbhreithniú breithiúnach faoi Ordú 84 de Rialacha na nUaschúirteanna (S.I. Uimh 15 de 1986). Ceanglaíonn fo-alt 50(6) den Acht um Pleanáil agus Forbairt 2000 go gcaithfear aon iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach a dhéanamh laistigh de 8 seachtaine ó dháta chinneadh an Coimisiúin, seachas cinntí a dhéantar de bhun feidhme aistrithe chuig an gCoimisiún faoi Chuid XIV den Acht um Pleanáil agus Forbairt 2000, i gcás nach mór aon iarratas ar chead chun iarratas a dhéanamh ar athbhreithniú breithiúnach, mar atá leagtha amach i bhfo-alt 50(7), a dhéanamh laistigh de 8 seachtaine ag tosú ar an data ar ar tugadh fógra faoi chinneadh an Coimisiúin ar dtús (nó mar a cheanglófar faoin Achtú ábhartha, ar aistríodh feidhmeanna faoi chuig an gCoimisiún, a foilsíodh den chéad uair). Tá no tréimhsí ama seo faoi réir aon síneadh a fhéadfaidh an Ard-Chúirt a cheadú de réir fho-alt 50(8).

Sonraítear in alt 50A(3) nach ndeonófar cead d'athbhreithniú breithiúnach mura bhfuil an Chúirt sásta (a) go bhfuil forais shubstantiúla ann chun a áitiú go bhfuil an chinneadh neamhbhailí nó gur choir é a chur ar neamhní agus (b) go bhfuil leas leordhóthanach ag an iarratasóir san ábhar is ábhar don iarratas nó i gcásanna a bhaineann le measúnú tionchair timpeallachta ar comhlacht é a chomhlíonann critéir shonraithe.

Tá forálacha in alt 50B maidir le costais imeachtaí athbhreithnithe bhreithiúnaigh áirithe san Ard-Chúirt; de bhun Alt 50B(1), tá feidhm ag alt 50B maidir leis na himeachtaí seo a leanas:

- (a) imeachtaí san Ard-Chúirt mar athbhreithniú breithiúnach, nó trí chead a lorg chun iarratas a dhéanamh ar athbhreithniú breithiúnach, ar -
 - (i) aon chinneadh nó chinneadh airbheartaithe a rinneadh nó a airbheartaítear a rinneadh,
 - (ii) aon ghníomh a rinneadh nó a airbheartaítear a rinneadh,
 - (iii) aon mhainneachtain aon ghníomh a dhéanamh, de bhun forála reachtúla a thugann éifeacht
 - I. d'fhoráil de Threoir EIA 85/337/CEE arna leasú lena mbaineann Airteagal 10a (arna cur isteach le Treoir 2003/35/CE) den Treoir sin,
 - II. do Threoir SEA 2001/42/CE, nó
 - III. d'fhoráil de Threoir IPPC 2008/1/CE a bhfuil feidhm ag Airteagal 16 den Treoir sin maidir léi, nó
 - IV. d'Airteagal 6(3) nó 6(4) den Treoir maidir le Gnáthóga; nó
- (b) achomharc (lena n-áirítear achomharc de chás ráite) chun na Cúirte Uachtaraí i gcoinne breithe ón Ard-Chúirt in imeacht dá dtagraítear i mír (a);
- (c) imeachtaí san Ard-Chúirt nó sa Chúirt Uachtarach le haghaidh faoisimh eatramhach nó idirbhreitheach i ndáil le himeacht dá dtagraítear i mír (a) nó (b).

Is i an fhoráil ghinearálta atá in alt 50B(2) ná go n-íocfaidh gach páirtí in imeachtaí lena mbaineann an t-alt a chostais féin. Féadfaidh an Chúirt, áfach, costais a dhámhachtain in aghaidh aon pháirtí in imthosca sonraithe. Tá foráil ann freisin go ndéanfaidh an Chúirt chostas imeachtaí nó cuid de chostais den sort sin a dhámhachtain d'iarratasóir, a mhéid a eiríonn leis an iarratas faoiseamh a fháil, i gcoinne freagróra nó páirtí fógra, nó an dá cheann, a mhéid a chuir an chaingean nó an t-easnamh ar thaobh an fhreagróra nó an pháirtí fógra go páirteach leis an bhfaoiseamh atá á fháil.

Tá eolas ginearálta ar nósanna imeachta athbhreithnithe bhreithiúnaigh ar fail anseo a leanas, www.citizensinformation.ie.

Séanadh: Mar eolas atá an méid thuas ceaptha. Ní airbheartaíonn sé a bheith ina léirmhíniú ceangailteach ó thaobh dlí ar na forálacha ábhartha agus bheadh sé inmholta do dhaoine atá ag smaoineamh ar chaingean dlí comhairle dlí a lorg.