



An
Bord
Pleanála

Board Direction
BD-008086-21
ABP-308758-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/05/2021.

The Board decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

1. On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the application has been made by a person who has: (a) sufficient legal estate or interest in the land the subject of the application to enable the person to carry out works on the land that comprises the LT81012, or (b) the approval of those who have such legal estate or interest in the LT81012. In addition, the Board is not satisfied that the plans and particulars comply with the requirements of Articles 22 and 23 of the Planning and Development Regulations, 2001, as amended, and particularly with Article 22(2)(c), Article 22(2)(g), Article 22(4)(a) and Article 23(1)(e). In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of permission for the development the subject of the appeal.

2. The development for which retention permission is sought **directly** impacts on local road LT81012. On the basis of the information submitted with the application and appeal, the Board cannot be satisfied that the works carried out to date, would not have a material adverse effect on the integrity of the existing road at this location. In this regard, the development for which retention permission is sought would endanger public safety by reason of traffic hazard and would conflict with Policy NNRP3 of the Monaghan County Development Plan, 2019 to 2025, by way of failing to ensure that the carrying capacity of the road is not **adversely** affected. The development for which retention permission is sought would constitute a substandard form of development which would seriously injure the amenities of the area, including the local road network, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note:

The Board noted that it is the policy of the planning authority, as expressed in the Monaghan County Development Plan, 2019 to 2025 under policy AGP 1, to protect sources of potable water, water courses, aquifers and ground water and, under policy AGRP 4, to require sufficient provision for the collection, storage and disposal of effluent produced. These policies are considered reasonable. In this regard, the site and its surrounds form part of the inner catchment area of Lough Nagarnaman, as identified in Map 8. of the Development Plan, and this Lough supplies the Donaghmoynne Group Water Scheme. The Board considered that the submitted documentation and information fails to satisfactorily demonstrate that there is sufficient provision for the collection, storage, and disposal of effluent in the farm complex this development would form part of. The development for which retention permission is sought, would contravene this policy and would be prejudicial to public health due to the risk of pollution of a source of public water supply. However, it was considered that this would constitute a new issue within the context of the appeal. In this regard and noting the substantive reasons for refusal set out above, it was decided not to pursue this matter further in the context of the current appeal.

In deciding not to accept the Inspector's recommendation to grant permission, the Board, in addition to its reasons for refusal set out above, did not agree that the development proposed for retention would not endanger public safety by reason of traffic hazard, and did not consider it appropriate to grant permission for retention of development subject to a condition which might result in its demolition. Furthermore, the Board did not consider it acceptable that the road might remain impassable for a further unspecified period while remedial works are agreed and implemented.

Board Member



Date: 06/05/2021

John Connolly

DECISION QUASHED