

An
Bord
Pleanála

Board Direction BD-018215-24 ABP-314501-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/11/2024.

The Board decided to approve the proposed development, with modifications, generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

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

(a) **European Union legislation** including in particular:

- European Union Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive) on the assessment of the effects of certain public and private projects on the environment, and,
- European Union Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set out the requirements for Conservation of Natural Habitats and of Fauna and Flora.

(b) **National Legislation** including in particular:

- Section 175 and section 177AE of the Planning and Development Act 2000 (as amended) which sets out the provisions in relation to local authority projects which are subject to Environmental Impact Assessment (EIA) and Appropriate Assessment (AA).

(c) **National, Regional Policy and Guidance** including in particular:

- Project Ireland 2040 National Planning Framework which supports the compact development and the regeneration of town centres,

- Climate Action Plan 2024 which supports a modal shift, place-making and compact growth,
- Town Centre First - A Policy Approach for Irish Towns, Department of Housing, Local Government and Heritage and the Department of Rural and Community Development, 2022,
- The Design Manual for Urban Roads and Streets, Department of Housing, Local Government and Heritage, 2019, which provides guidance on how to approach the design of urban streets in a more balanced way,
- Architectural Heritage Protection: Guidelines for Planning Authorities, Department of Arts, Heritage and the Gaeltacht, 2011, and,
- The Northern and Western Regional Assembly Regional Spatial and Economic Strategy 2020-2032, which seeks to deliver significant compact growth for key towns, one of which is Monaghan Town.
- National Biodiversity Plan 2023-2030.

(d) **Local Planning Policy** including in particular:

- the provisions of the Monaghan County Development Plan 2019-2025, as varied, including Variation Number 3 Dublin Street North Regeneration Plan, and,
- the provisions of Dublin Street South Regeneration Plan, appendix 20 of the Monaghan County Development Plan 2019-2025.

(e) **And the following matters:**

- the nature, scale and design of the proposed works as set out in the application for approval and the existing character and pattern of development in the area and the town centre location of the site,
- the documentation including the Environmental Impact Assessment Report, the Natura Impact Statement and associated documentation submitted with application and by way of further information and the range of mitigation and monitoring measures proposed,
- submissions and observations made to An Bord Pleanála in connection with the application,

- 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,
- the conservation objectives, qualifying interests and special conservation interests for the Lough Neagh and Lough Beg Special Protection Area (Site Code: UK9020091), and,
- the report and recommendation of the Inspector.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development;
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- (c) the submissions from the observers and prescribed bodies in the course of the application, and
- (d) the Inspector's report.

The Board agreed with the summary of the results of the consultations and information gathered in the course of the environmental impact assessment and the examination of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application, as set out in the Inspector's report. The Board was satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

Reasoned Conclusion on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board was satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of European Union Directive 2014/52/EU, amending Directive 2011/92/EU.

The Board considered that the main significant effects both positive and negative of the proposed development on the environment are as follows:

- Positive indirect impacts on **population and human health** will include health and social/wellbeing benefits associated with the provision of a new public open space in the town centre and the provision of a highly permeable layout which encourages walking and cycling.
- In relation to **biodiversity**, the spread of invasive species of knotweed is a potential significant risk however the Board satisfied that subject to mitigation measures to include implementation of an Invasive Species Management Plan the likelihood of significant impact in this regard, is minimal.
- In relation to **water** quality, there is potential for a deterioration of water quality of the River Shambles to the south of the site, which is hydrologically connected downstream to a European Site, arising from silt, dust and petrochemical pollution. Mitigation measures include sustainable drainage systems (SUDs) and adherence to construction phase best practice measures including that on the control of water pollution from construction sites (the Construction Industry Research and Information Association, 2001),
- In relation to **material assets**, significant direct impacts include upgrades to water and drainage network in the area; the redevelopment of the site to facilitate new development and regenerate the area. In addition, improved pedestrian and cycling facilities will be provided which will indirectly benefit human health and climate change. There will be short-term effects on the local

- road network during construction which be mitigated by a traffic management plan.
- In relation to **waste**, the main direct effect will be in relation to the handling and disposal of asbestos and knotweed, which will be mitigated through regulation, Health and Safety Authority and Environmental Protection Agency requirements,
- In relation to **cultural heritage** effects, given the existence of archaeological monuments on site and the site's presence within the area of archaeological potential for Monaghan town there is potential, in the absence of mitigation, for significant impact of a direct nature during the construction phase, this can be appropriately monitored through standard archaeological monitoring conditions. In relation to architectural heritage, there will be significant direct effects on the Dublin Architectural Conservation Area and nearby protected structures resulting from the demolition of part of Dublin Street. The demolition of four buildings, to include a building (Number 10 Dublin Street) on the National Inventory of Architectural Heritage register with a local rating of 'regional', is significant due to its cultural and architectural value. These proposals are plan-led, endorsed by the Monaghan County Development Plan. Mitigation measures include preservation by record of buildings to be demolished and the reuse of original material where possible. The proposed demolition works will facilitate the creation of a new streetscape with, indirectly, potential for high architectural and cultural merit.
- In relation to **townscape and visual** effects, a moderate to major positive visual impact will occur at the site which is expected to be contained due to the enclosing nature of the urban form/town centre environment.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures referred to above and in the EIAR, including proposed monitoring as appropriate, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions set out in the Inspector's report. The

Board is satisfied that this reasoned conclusion is up to date at the time of making this decision.

Appropriate Assessment: Stage 1:

The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that Lough Neagh and Lough Beg Special Protection Area (Site Code: UK9020091) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the European Site, Lough Neagh and Lough Beg Special Protection Area (Site Code: UK9020091), 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 Site.

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 European Site, namely, Lough Neagh and Lough Beg Special Protection Area (Site Code: UK9020091), 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 Site, in view of the Site's conservation objectives.

Proper planning and sustainable development:

The proposed development is in accordance with the aims and objectives of the Monaghan County Development Plan 2019-2025 and is therefore acceptable in principle. In particular, the proposed development sets the framework for the delivery and completion of the compact urban form envisaged by the Dublin Street South Regeneration Plan, Appendix 20 of the said Monaghan County Development Plan 2019-2025. The proposed pedestrianised street, Charles Gavan Duffy Place, subject to further detail on streetscape and a separate planning process, is a key component in the opening up of backlands in Monaghan Town Centre for development and in creating a connection to the historic town centre, which will also help to facilitate a modal shift to walking and cycling. Overall, the proposed public realm works represent an acceptable contribution towards place-making that will generate a largely positive impact on the amenities of the area. Subject to modifications and conditions, the Board concludes that the proposed public realm works, and street design and layout is acceptable and is therefore, in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, including an Environmental Impact Assessment Report, and additional plans and particulars submitted on the 5th day of December 2023 except as may otherwise be required in order to comply with the following conditions. Where any 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 interests of clarity and protection of the environment during the construction and operational phases of the proposed development.

2. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented and details of a time schedule for implementation of the mitigation measures and associated monitoring, to be placed on file and retained as part of the public record.

Reason: To protect the environment.

3. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented and details of a time schedule for implementation of the mitigation measures and associated monitoring, to be placed on file and retained as part of the public record.

Reason: To protect the integrity of European Sites.

4. The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order.

Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

5. The scheme shall be modified as follows:
 - (a) The proposed parking spaces numbered 1-19 on General Arrangement Drawing 231932_DSS_OP_G_100 Rev P04 shall be omitted and the said area shall incorporate a public walkway with appropriate landscaping which shall provide for connectivity and accessibility to the proposed pedestrian network at No.24 Dublin Street.
 - (b) Additional landscaping features, including seating and soft landscaping shall be provided at Courthouse Square.

Where any further details are 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: To improve the amenities of the area at this riverside location.

6. The proposed development shall be carried out in accordance with the Design Manual for Urban Roads and Streets (2019) and Cycle Design Manual (2023).

Reason: In the interest of pedestrian and cyclist safety.

7. (a) A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations or points.
- (b) Prior to the occupation of the development a Parking Management Plan shall be prepared for the development.
- (c) Detail of cycle parking shall be prepared for the development, including at Charles Gavan Duffy Place

Such proposals shall be shall be placed on the file and retained as part of the public record.

Reason: To ensure that adequate car and bicycle parking facilities are available to serve the proposed development.

8. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

9. Within 6 months of the date of this Order, a detailed Construction Management Plan for the construction stage shall be placed on the file and retained as part of the public record. The Construction Management Plan shall incorporate the following:
 - (a) a detailed plan for the construction phase incorporating, demolition programme, construction programme, supervisory measures, noise

management measures, dust minimisation, construction hours and the management of construction waste,

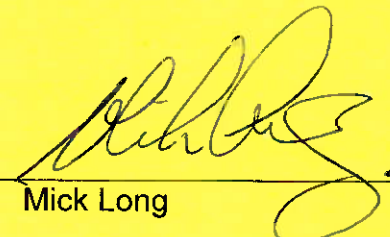
- (b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period,
- (c) an emergency response plan,
- (d) a detailed construction traffic management plan, including a mobility management plan, and,
- (e) proposals in relation to public information and communication.

Reason: In the interests of environmental protection and orderly development.

10. The applicant and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the applicant to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on-site during construction works.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

Board Member


Mick Long

Date: 15/11/2024