



An
Bord
Pleanála

Board Direction
BD-016485-24
ABP-316213-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/05/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

The proposed development is in compliance with the relevant policies as set out in the Monaghan County Development Plan 2019-2024 pertaining to agri-food uses, industrial uses and commercial uses, noting, in particular, that the use is established on the site.

Specifically in response to the issues raised in the third-party appeal, the application documentation, including the EIAR and supporting technical appendices, demonstrate that, subject to mitigation measures, the proposed drip irrigation scheme will not result in any significant negative impacts on groundwater or surface water receptors, and will therefore not have any significant impacts on the water quality of Emy Lough.

More generally, it is not considered that there will be any significant negative environmental impacts as a result of the proposed development, subject to the mitigation measures as set out in the EIAR, and subject to the conditions as set out below. It is also considered that the cessation of treated effluent discharge directly to the unnamed stream on site, which discharges to the Corlattalan Stream, will likely

have a significant positive impact on the water quality in the surrounding surface water environment. The requirement for the facility to be subject to, and regulated under, an Industrial Emissions Licence to be issued by the Environmental Protection Agency is also noted.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

1.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 2nd Day of February 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>All of the mitigation measures detailed in the submitted documentation, including the Environmental Impact Assessment Report (EIAR) and associated Appendices, shall be implemented in full within the timescales listed in the these documents.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>a. The drip distribution system shall be installed, maintained and operated in accordance with the requirements of the EPA Licence.</p>

	<p>b. There will be no drip distribution of effluent except in accordance with the requirements of the EPA licence and with the requirements of S.I. No. 113 of 2022 European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2022.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
4.	<p>a. Prior to commencement of development, developer shall apply to the Environmental Protection Agency for a review of the existing Licence or as otherwise agreed in writing with the Planning Authority.</p> <p>b. All sludges from the wastewater treatment plant shall be stored appropriately and collected, recovered or disposed of at an authorised facility in accordance with the Waste Management Act 1996, in accordance with the requirements of the EPA licence and with the requirements of S.I. No. 113 of 2022 European Union (Good Agricultural Practice for Protection of Waters) Regulations, 2022. as amended, and records of such shall be kept on site and made available for Inspection. Any changes in outlet for the sludges arising onsite shall be agreed in writing with the Planning Authority.</p> <p>c. All organic fertilisers, soiled waters, treated effluent, sludges where required shall be stored on site, in leak proof storage facilitates and shall not be discharged directly or indirectly to any surface or ground waters.</p> <p>d. Any construction and demolition waste or excess soil generated during the construction phase which cannot be reused on site shall be disposed/recovered at an appropriately permitted facility in accordance with the requirements of the Waste Management Act 1996 (as amended).</p> <p>e. All waste oils and any other hazardous waste materials shall be stored appropriately and collected, recovered or disposed of in accordance with the Waste Management Act 1996 (as amended) and records of such shall be kept on site.</p> <p>f. All hazardous liquid waste or oil/fuel storage containers, temporary or otherwise shall be bunded. All bunds shall be designed to contain 110% of</p>

	<p>the capacity of the largest storage container located within the bund. There shall be no overflow drain facility from any bunds on site and all filling and off take points shall be located within a bund.</p> <p>g. Facilities shall be provided for the collection and segregation of recyclable waste. Wastes shall be collected for recycling/reuse whenever feasible or otherwise disposed of in accordance with the Waste Management Act 1996 (as amended).</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p>
5.	<p>Prior to the commencement of development, the applicant shall submit detailed proposals in relation to the proposed surface water/storm water drainage arrangements, and for agreement in writing with the Planning Authority. The submitted details shall ensure that there is consistency within all relevant documentation, noting in particular the attenuation requirements as set out in 'Attenuation Design Report' (dated 11th November) which are not reflected in the drawings as submitted with the planning application.</p> <p>These surface water drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works. These arrangements shall also provide for silt traps and petrol/oil interceptors, as appropriate.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
6.	<p>Water supply and the arrangements for the disposal of foul water, shall comply with the requirements of the Uisce Éireann for such works and services.</p> <p>Reason: In the interest of public health and to ensure a satisfactory standard of development.</p>

7.	<p>Site access arrangements, and the provision and maintenance of visibility splays, shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interests of road safety.</p>
8.	<p>All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the planning authority. Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the planning authority.</p> <p>Reason: In the interests of visual amenity and to integrate the development into its surroundings.</p>
9.	<p>a. The recommendations set out in the Stage 1/2 Road Safety Audit submitted on the 14th of November 2022 shall be implemented in full.</p> <p>b. Within six months of completion of all works, a Stage 3 Road Safety Audit shall be submitted to the Planning Authority for agreement in writing.</p> <p>Reason: In the interest of traffic safety and orderly development.</p>
10.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p>

	<p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>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.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
12.	<p>Any transport, disposal and or use of organic waste material, including by a third party by agreement, as fertiliser, shall be in accordance with the system of regulatory control in place by relevant national authorities, including in relation to regulations pursuant to Council Directive 91\676\EEC(Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.</p>

Reason: In the interest of clarity, to ensure the satisfactory disposal of waste material, and to prevent pollution of water courses.
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Board Member



Liam Bergin

Date: 05/06/2024