



An  
Bord  
Pleanála

**Board Direction**

**BD-016139-24**

**ABP-316991-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22/04/2024.

The Board decided to make a split decision, to

- (1) grant permission, for the following reasons and considerations and subject to the following conditions for

and

- (2) refuse permission for the 'HGV turning circle', 'ESB substation' and ancillary works in the southern portion of the site.

for the reasons and considerations marked (2) under.

(1) The proposed development is in compliance with the relevant policies as set out in the Monaghan County Development Plan pertaining to agri-food uses, agricultural uses, small scale rural businesses and commercial uses, noting that the principle of the mushroom growing use on the site has been established under the parent permissions relating to the site, and the development as proposed does not constitute an intensification of the use on the site. Subsequently, it is not considered that there will be an increase in traffic movements associated with the use, as a result of the proposed development. As such, it is not considered that there will be significant adverse impacts on the surrounding road network. Subject to conditions in relation to servicing and maintenance of sightlines it is not considered the proposal result in a traffic hazard. Furthermore, subject to conditions, there will be no material

impact on surrounding residential amenity, having regard to potential noise impacts emanating from the site. The design of the proposed development is considered acceptable and it is not considered that any adverse visual impacts or adverse impacts on the surrounding landscape would result from the development as proposed.

## Conditions

1.	<p>With the exception of the omission of the portion of the development set out at (2), 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 13<sup>th</sup> Day of March 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The noise level from at the boundaries of the development hereby approved shall not exceed 55dB(A) equivalent continuous level (leq) at any point along the boundaries of the development between 08.00 hours and 18.00 hours Monday to Friday and between 08.00 hours and 17.00 hours Saturday. At all other times, the noise level shall not exceed 45dB(A) equivalent continuous level (leq). Where noise is impulsive in nature or has clearly audible tone components the above limited shall be reduced by 5dB(A).</p> <p><b>Reason:</b> In the interests of residential amenity.</p>
3.	<p>The portable cabins located to the front of the site (closest to the eastern boundary) shall be removed from the site area within three years from the date of grant of planning permission.</p>

	<b>Reason:</b> In the interest of proper planning and sustainable development.
4.	<p>The development hereby approved shall not operate outside the following times, unless agreed in writing with the Planning Authority:</p> <ul style="list-style-type: none"> <li>Monday to Friday 08:00am to 18:00pm, Saturday 08:00am to 17:00pm nor at any time on Sundays, Bank or Public Holidays.</li> </ul> <p><b>Reason:</b> In the interests of residential amenity.</p>
5.	<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><b>Reason:</b> In the interests of road safety.</p>
6.	<p>All servicing of the facility, including unloading and loading of produce, shall take place within the confines of the site boundaries and shall not encroach onto the public road.</p> <p><b>Reason:</b> In the interests of road safety</p>
7.	<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><b>Reason:</b> In the interests of visual amenity and to integrate the development into its surroundings.</p>
8.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works</p> <p><b>Reason:</b> To ensure adequate servicing of the development, and to prevent pollution.</p>

9.	<p>(a) A certificate of installation and commissioning of the wastewater treatment system and Ecoflo Co Co Filter &amp; gravel distribution bed shall be submitted to the Environment Section of Monaghan County Council within 6 months from date of grant of planning permission.</p> <p>(b) The developer shall arrange for the installation of an alarm system on the wastewater treatment plant to notify relevant personnel in the event of failure of components of the wastewater treatment.</p> <p>(c) The developer shall enter into a contract for the future maintenance and servicing of the wastewater treatment system in accordance with the manufacturers recommendations. A copy of maintenance and servicing checks shall be maintained onsite.</p> <p>(d) Desludging of the wastewater treatment system shall be carried out in accordance with manufacturer's recommendations and shall be carried out by a suitably permitted contractor in accordance with the requirements of the Local Government, Waste Management, Act, 1996.</p> <p>(e) All existing and proposed surface water drainage systems shall be maintained and installed to ensure that no polluting matter enters the surface water collection system and in accordance with the stormwater drainage proposals submitted with this application. A manhole shall be installed at the outlet from the interceptor to allow for sampling of surface water to take place. The interceptor shall be inspected and serviced/maintained as per manufactures recommendations and records of servicing/maintenance shall be kept onsite. The recommendations of the CCTV shall be completed.</p> <p><b>Reason:</b> In the interest of public health and environmental protection.</p>
10.	<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</p>



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.

**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.

(2) In deciding not to accept the Inspector's recommendation to grant permission for this portion of the development, the Board had regard to the appeal documentation as well as the totality of documentation on file including the submitted noise report, and the Board was not satisfied that the proposed development would not seriously impact on the residential amenity of the two properties immediately adjacent to the site by reason of noise nuisance; in this regard the Board did not consider that the submitted noise assessment adequately accounted for the turning movements of HGVs. The Board also noted that it was not clear from the drawings submitted whether the proposed 'turning circle' involves a reduction in the private amenity space available to the dwelling in first party ownership, and whether the residual amenity space available would be of sufficient size and quality to preserve residential amenity. The Board therefore considered that to permit this portion of the development would be contrary to the proper planning and sustainable development of the area.

**Board Member:**

  
Stephen Brophy

**Date:** 24/04/2024