

An  
Bord  
Pleanála

**Board Direction**  
**BD-016341-24**  
**ABP-317805-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/05/2024.

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**

Having regard to the site location, to the relevant provisions of the Monaghan County Development Plan 2019-2025, including the zoning objective, to the pattern of development in the area and to the nature, scale and form of the development proposed, it is considered that the development for which retention permission is sought and the proposed development would be in accordance with the relevant provisions of the development plan, would not be seriously injurious to the amenities of the area, including residential properties in the vicinity, would be acceptable in terms of pedestrian and traffic safety, would not result in a traffic hazard and would otherwise constitute an acceptable form of development at this location. The development for which retention permission is sought and the proposed development, subject to compliance with the conditions set out below, would therefore be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information submitted on the 22<sup>nd</sup> day of June 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to commencement of development, the developer shall submit to the planning authority for agreement in writing, details of the following:
  - (i) An external lighting plan/design for the site. Lighting shall be appropriately cowled and directed away from residential properties and roadways.
  - (ii) A height restriction barrier for the site entrance, to facilitate access by cars, vans and rigid lorries only. The site shall not facilitate the access of HGVs or articulated trucks.

**Reason:** In the interests of road safety and residential amenity.

3. Site access arrangements, and the provision and maintenance of visibility splays, shall comply with the requirements of the planning authority for such works.

**Reason:** In the interest of road safety.

4. No signs, flags, logos or other advertising material or illumination shall be erected or displayed on-site (or along the roadside) unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenity of the area.

5. External areas shall not be used for the storage of good, materials, containers, or the setting down of goods awaiting collection. In general, the site shall be maintained in a clean, tidy and nuisance-free state.

**Reason:** In the interests of orderly development and visual amenity.

6. Hours of construction of the proposed facility shall be between 0700 and 1900 Monday to Friday, 0800 and 1400 on Saturday and not at all on Sundays or bank or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

7. Unless otherwise agreed in writing with the planning authority, operational hours shall be restricted to 0700 to 1900 Monday to Friday, and 0930 to 1800 on Saturdays. The facility shall be closed on Sundays, Bank Holidays and Public Holidays.

**Reason:** In the interest of residential amenity.

8. All of the hard and soft landscaping works shall be carried out in accordance with the documentation submitted with the application, unless otherwise agreed in writing with 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 with the planning authority.

**Reason:** In the interests of visual amenity and to integrate the development into its surroundings.

9. 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. If a borehole is to be utilised, it shall serve as a drinking water supply only and the borehole shall be constructed in compliance with the Environmental Protection Agency Drinking Water Advice Note No. 14: Borehole Construction and Wellhead Protection.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

10. The proposed effluent treatment and disposal system shall be located, constructed, and maintained in accordance with the details submitted and in accordance with the pertaining EPA (Environmental Protection Agency) standards. No system other than the type proposed in the application shall be installed without the prior written agreement of the planning authority.
  - (a) A maintenance contract for the effluent treatment and disposal system shall be entered into once same is installed and permanently maintained thereafter. Signed and dated copies of the contract, which shall be for a minimum period of three years, shall be submitted to, and agreed in writing with the planning authority within two months of the installation.
  - (b) Surface water soakaways shall be located such that the drainage from the associated building and hardstanding areas of the site shall be diverted away from the location of the polishing filter.
  - (c) Within two months of installation, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying



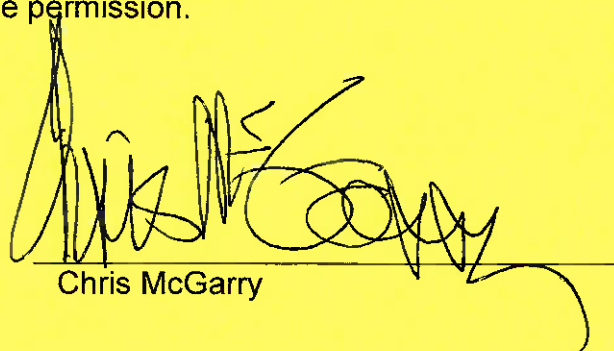
that the proposed effluent treatment and disposal system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the pertaining EPA standards.

**Reason:** In the interest of public health and environmental protection.

11. 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.

**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.

**Board Member**



Chris McGarry

**Date:** 16/05/2024