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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Monaghan County Council**

**Planning Register Reference Number: 17/453**

**Appeal** by Gordon Fleming care of Braniff Associates of 5 Windsor Avenue North, Malone Road, Belfast, Northern Ireland and by others against the decision made on the 5<sup>th</sup> day of April, 2018 by Monaghan County Council to grant subject to conditions a permission to Aldi Stores (Ireland) Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a single storey discount foodstore (to include off license use) with a gross floor area of 1,814 square metres (net retail area 1,254 square metres). The development includes the erection of one number internally illuminated sign and opening hours sign at vehicular entrance, three number internally illuminated gable signs, one number poster sign and entrance glass signage. The proposed development will be served by 91 number car parking spaces. Vehicular access to the site will be provided from Macartan Road. The proposed development includes all engineering works, landscaping works, boundary treatments and site development works on the 0.69 hectare site at the junction of Macartan Road (N54) and the R142 (Glen Road), Monaghan Town, County Monaghan, as amended by the further public notice received by the planning authority on the

12th day of March, 2018 as follows: a revised culvert configuration and a revised southern boundary treatment to the site.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to: -

- (a) the Retail Planning Guidelines for Planning Authorities, issued by the Department of the Environment, Community and Local Government in April 2012,
- (b) the policies and objectives of the Monaghan County Development Plan 2013-2019, including the Monaghan Town Development Plan 2013-2019, and the County Monaghan Retail Strategy 2016-2022,
- (c) the pattern of development in the area, and

(d) the nature, scale and design of the proposed retail development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate form of development at this location, would not lead to an increased flood risk on the site and surrounding areas and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. 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 to the planning authority on the 12<sup>th</sup> day of March 2018, 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.

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

2. Within six months from the date of this Order, the developer shall submit to, and agree in writing with, the planning authority detailed proposals for the re-routing of the culvert, in accordance with drawing number 101 Rev D and the Site-Specific Flood Risk Assessment, submitted to the planning authority on the 12<sup>th</sup> day of March, 2018.

The detailed proposals shall include, at a minimum, the following information:

- (a)
  - (i) specification of the proposed culvert which shall have a minimum cross-sectional area of 3 metres by 1.5 metres,
  - (ii) a legally binding wayleave agreement for the public storm water culvert which will traverse the southern and eastern boundary of the development site. The wayleave shall be registered on the relevant property folio in the PRAI as a burden,
  - (iii) details for the removal and storage of the existing culvert installed within the site area,
  - (iv) a revised storm water drainage layout, showing the location of the proposed storm water outfall manhole discharging into the newly proposed box culvert along the southern or eastern boundary of the development, and
  - (v) detailed proposals with respect to capping and decommissioning of the existing storm water manhole which is located along the northern boundary of the development.
- (b) No works shall commence until the culvert and associated connections have been agreed in writing with the planning authority.

No other development works on site shall commence until the culvert and associated works have been constructed to the satisfaction of the planning authority and written confirmation with respect to same has been provided to the developer.

**Reason:** To minimise flood risk.

3. Water supply and drainage arrangements, including the disposal of foul and surface water, shall comply with the requirements of the planning authority for such works and services. In this regard, detailed proposals for the disposal of foul and surface water shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health.

4. (a) The proposed development shall be undertaken in accordance with the recommendations of the Traffic Impact Assessment and Road Safety Audit Stage reports, submitted to the planning authority on the 26<sup>th</sup> day of September, 2017. Any additional works required as a result of the Traffic Impact Assessment and Road Safety Audit reports shall be agreed in writing with the planning authority.
- (b) Prior to commencement of development, the developer shall submit to the planning authority for agreement in writing, detailed design proposals in respect of the adjacent signalised junction system between the N54 and the R162.
- (c) A Stage 3 Safety Audit shall be completed by the developer on the final scheme and submitted to the planning authority for agreement in writing.

**Reason:** In the interest of pedestrian and traffic safety.

5. Visibility splays, new access points, internal road surfaces and parking areas serving the proposed development shall comply with the detailed standards of the planning authority for such works. In this regard, detailed proposals for same shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

6.
  - (a) The vehicle parking and turning areas indicated on the plans submitted to the planning authority on the 12<sup>th</sup> day of March, 2018 shall be laid out, surfaced and drained prior to the use of the building granted permission or as otherwise agreed with the planning authority.
  - (b) The area indicated as car parking on the plans submitted to the planning authority on the 12<sup>th</sup> day of March, 2018 shall be reserved exclusively for the parking of cars and shall not be used for the storage of goods or materials, including containers, or for the setting down of goods awaiting collection at any time, unless otherwise agreed with the planning authority.

**Reason:** In the interest of orderly development.

7. Prior to commencement of development, the developer shall contact Irish Water regarding the provision of water services necessary to enable the proposed development and to confirm acceptability of the proposed development with regard to source/network infrastructure.

**Reason:** In the interest of public health.

8. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

9. No additional advertising signs, flags, symbols, emblems, logos or other advertising devices, other than signs indicated on plans submitted to the planning authority on the 26<sup>th</sup> day of September, 2017, shall be erected externally on the building or anywhere on the site without a prior grant of permission from the planning authority.

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

10. Comprehensive details of the proposed external and internal lighting scheme to serve the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All external lighting shall be directed away from the public road and from residential properties in the vicinity. Lighting shall be minimised outside of business hours.

**Reason:** To protect residential amenities and in the interest of traffic safety.

11. The landscaping scheme as submitted to the planning authority on the 26<sup>th</sup> day of September, 2017 and the 12<sup>th</sup> day of March, 2018 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

12. (a) All mitigation measures as set out in the Site-Specific Flood Risk Assessment submitted to the planning authority on the 12<sup>th</sup> day of March, 2018 shall be implemented in full.
- (b) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a detailed design of the proposed boundary treatment along the southern boundary to include the arrangement and number of louvres required to ensure an effective flow route across site area. Details shall include back-up verification hydraulic calculations.

**Reason:** To minimise flood risk.

13. 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 -
- (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,



- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (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.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**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.

14. 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 the 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2019.**