



An  
Bord  
Pleanála

## Board Order ABP-312285-21

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Monaghan County Council**

**Planning Register Reference Number: 21/19**

**Appeal** by Martin Pallets Limited care of CS Pringle Consulting Engineers of Monaghan Road, Castleblayney, County Monaghan against the decision made on the 23<sup>rd</sup> day of November, 2021 by Monaghan County Council to refuse permission for the proposed development.

**Proposed Development:** Construction of an industrial/warehousing unit with ancillary single storey office space, new entrance gates and boundary treatments, connection to main public foul sewer, provision of hard and soft landscaping and all associated and ancillary site works at Nafarty, Carrickmacross, County Monaghan. The proposed development was revised by further public notices received by the planning authority on the 29<sup>th</sup> day of October, 2021. The revised information submitted included a hydrogeological risk assessment including construction management plan, landscape plan, noise impact assessment, road safety audit (Stage 1 and 2), revised site layout and water protection plan checklist.

### **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.**

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## Reasons and Considerations

Having regard to the 'Industry/Enterprise/Employment' zoning that applies to the subject site under the Monaghan County Development Plan 2019-2025, within which industrial development is permitted in principle, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not be prejudicial to road safety by reason of a traffic hazard and 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 additional information provided on the 29<sup>th</sup> day of October 2021, 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. Prior to the commencement of development, details of the boundary of and screening for the proposed product storage area shall be submitted for the writing agreement of the planning authority.

**Reason:** In the interests of visual and residential amenity.

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3. The design and layout of the access to the site, including visibility splays, shall comply with the requirements of the planning authority and shall incorporate Design Manual for Urban Roads and Streets (2019) place-making principles, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. Prior to commencement of development, the developer shall submit and agree proposals with the planning authority for the storage of any hazardous or pollutant materials on the site during construction and operational phases, which shall be adequate to ensure there is no risk of contamination of groundwater in the event of spillage.

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

5. Noise levels generated during the operation of the development hereby approved shall not exceed 55 dB(A) Leq, 1hr when measured at the nearest noise sensitive receptors.

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

6. During the construction phase, the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.

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

7. A hard and soft landscaping strategy and boundary treatment plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The development shall thereafter be carried out in accordance with the agreed scheme.

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

8. The core industrial use of the development shall not operate outside of the following hours.

Monday to Friday - 0730 to 1800 hours

Saturdays – 0730 to 14.00 hours.

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

9. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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



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.



**Una Crosse**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this <sup>29<sup>th</sup></sup> day of *June* 2023