

An
Bord
Pleanála

Board Order
ABP-314241-22

Planning and Development Acts 2000 to 2021

Planning Authority: Monaghan County Council

Planning Register Reference Number: 22/216

Appeal by Martin Molloy of Drumquill, Annyalla, Castleblayney, County Monaghan against the decision made on the 7th day of July, 2022 by Monaghan County Council to grant subject to conditions a permission to John Brennan care of CMD Architects Limited of Thornford Lodge, Broomfield, Castleblayney, County Monaghan in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission to retain imported subsoil and topsoil and raising of ground levels to existing agricultural land and all associated site development works (in connection with a waste permit application). All at Drumquill, Castleblayney, County Monaghan.

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.

Reasons and Considerations

Having regard to the rural location of the proposed development, the landscape character of the area in which the appeal site is situated and the detailed scale and form of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not be visually obtrusive or give rise to water pollution or risk of flooding of adjoining lands and would be acceptable in terms of public health. The development proposed for retention 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 on the 13th day of May, 2022, 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. (1) Within eight weeks of the date of this Order, revised details in relation to land drainage and discharge to the watercourse to the south of the site shall be submitted to, and agreed in writing with, the planning authority.
- (2) The land drainage arrangements shall be installed in accordance with the agreed details within three months of the written agreement of the planning authority.

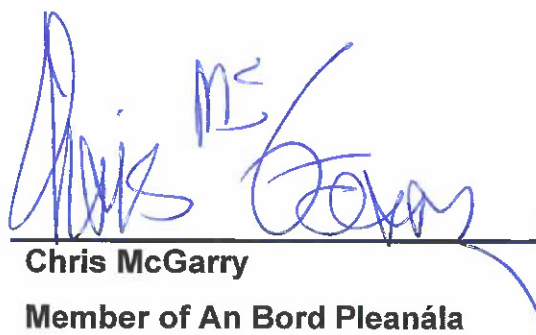
Reason: In order to prevent flooding on adjoining lands.

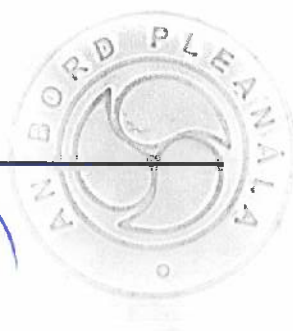
3. The section of hedgerow to be reinstated, shown on Drawing Number 3.0_S100.00 submitted with the application to the planning authority on the 13th day of May, 2022, shall be provided to the satisfaction of the planning authority within the first planting season following the grant of permission and shall be permanently retained thereafter. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased 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 residential and visual amenity.

4. 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.


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



Dated this 20th day of December 2022.