

Planning and Development Acts 2000 to 2022

Planning Authority: Monaghan County Council

Planning Register Reference Number: 22/177

Appeal by Conor Walsh of SLR Consulting Ireland of 7 Dundrum Business Park, Windy Arbour, Dublin against the decision made on the 18th day of August, 2022 by Monaghan County Council to grant subject to conditions a permission to BIGbin Waste Tech Limited of Unit B0, Confederation House, Waterford Business Park, Cork Road, County Waterford in accordance with plans and particulars lodged with the said Council:

Proposed Development: The placement of a pay-to-use portable waste compactor for the acceptance of residual and food waste and a pay-to-use portable compactor for mixed dry recyclables at Circle K, Monaghan Service Station, Kilnadreen, Mullamurphy, 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 location of the site within Monaghan town on lands zoned for Existing Commercial purposes, the policies and objectives of the Monaghan County Development Plan 2019-2025 and the Connacht-Ulster Region Waste Management Plan 2015-2021 and the pattern of development in the area, 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, would not be prejudicial to public health, would be acceptable in terms of pedestrian and traffic safety and would constitute an acceptable use at this location. 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 on the 22nd day of July 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. This permission shall apply for a period of two years from the date of commencement of the proposed development. The waste compactors shall then be removed unless, prior to the end of the period, planning permission shall have been granted for retention for a further period. The developer shall notify the planning authority in writing on the commencement of development.

Reason: To enable the impact of the proposed development to be reassessed and having regard to changes in waste management policy during the specified period.

3. No development on foot of this permission shall be undertaken until such time as the developer has applied for and received confirmation from the local authority of a waste authorisation (Waste Permit/Certificate of Registration) relating to the development authorised by this permission and is compliant with any conditions that may be attached to such an authorisation.

Reason: To ensure the protection of the environment and compliance with the waste authorisation legislation.

4. All surface water generated by the proposed development shall be collected and disposed of within the site to the surface water draining system. It shall not be discharged to the adjoining properties or the public roadway.

Reason: In the interest of orderly development.

5. Prior to the commencement of development, the developer shall submit revised drawings for written agreement of the planning authority illustrating the provision of bunding in the vicinity of the proposed compactor units in accordance with the requirements of Inland Fisheries Ireland.

Reason: To ensure the protection of water quality.

6. The area surrounding the waste compactors shall be kept free from waste at all times and shall be monitored 24 hours a day by on-site CCTV.

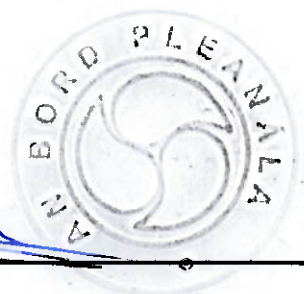
Reason: In the interests of visual amenity and public health and safety.

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

Reason: In the interest of visual amenity.

8. 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.



Liam Bergin

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *27th* day of *November* 2023