



Planning and Development Acts 2000 to 2022

Planning Authority: Monaghan County Council

Planning Register Reference Number: 22/203

Appeal by Mr and Mrs Mohan and others care of EHP Services of 154 Riverside Drive, Red Barns Road, Dundalk, County Louth against the decision made on the 6th day of April, 2023 by Monaghan County Council to grant permission to GoldCircle Mushrooms care of Michael Fitzpatrick Architects of Main Street, Bultersbridge, Cavan for development comprising (1) two-storey extension to the existing facility via provision of additional storage incorporating a Dispatch area, Chill area and loading area at ground floor level. Ancillary office, staff facilities and storage areas at first floor level, (2) an additional storage facility adjacent to the proposed extension for use as a Mushroom corridor, (3) the demolition and removal of three number storage sheds to incorporate additional yard space, (4) the retention of three number portable cabins to the front of the site on a three year basis, (5) the retention of additional car parking area on site, (6) additional landscaping, signage and boundary treatments, (7) the construction of an ESB substation to the rear of the development, (8) the upgrade of existing entrances, (9) provision of PV panels on proposed extension, (10) all ancillary site development/construction works to facilitate connection to existing foul water, storm water and service networks at Tirnaneill, Monaghan, County Monaghan in accordance with the plans and particulars lodged with the said Council. Further public notices were received by the planning authority on the 13th day of March, 2023.

Decision

GRANT permission for two-storey extension to the existing facility via provision of additional storage incorporating a Dispatch area, Chill area and loading area at ground floor level. Ancillary office, staff facilities and storage areas at first floor level, an additional storage facility adjacent to the proposed extension for use as a Mushroom corridor, the demolition and removal of three number storage sheds to incorporate additional yard space, the retention of three number portable cabins to the front of the site on a three year basis, the retention of additional car parking area on site, additional landscaping, signage and boundary treatments, the upgrade of existing entrances and provision of PV panels on proposed extension in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for the 'HGV' turning circle, ESB substation and ancillary works in the southern portion of the site based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

The proposed development would be in compliance with the relevant policies as set out in the Monaghan County Development Plan pertaining to agri-food uses, agricultural uses, small scale rural businesses and commercial uses, noting that the principle of the mushroom growing use on the site has been established under the parent permissions relating to the site, and the development as proposed does not constitute an intensification of the use on the site. Subsequently, it is not considered that there will be an increase in traffic movements associated with the use, as a result of the proposed development. As such, it is not considered that there will be significant adverse impacts on the surrounding road network and subject to compliance with the conditions set out below in relation to servicing and maintenance of sightlines, it is not considered the proposal would result in a traffic hazard. Furthermore, there will be no material impact on surrounding residential amenity, having regard to potential noise impacts emanating from the site. The design of the proposed development would be acceptable, would not have any adverse visual impacts or adverse impacts on the surrounding landscape and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. With the exception of the omission of the portion of the development set out at (2), 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 13th day of March 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 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. The noise level from at the boundaries of the development hereby approved shall not exceed 55dB(A) equivalent continuous level (leq) at any point along the boundaries of the development between 0800 hours and 1800 hours Monday to Friday and between 0800 hours and 1700 hours Saturday. At all other times, the noise level shall not exceed 45dB(A) equivalent continuous level (leq). Where noise is impulsive in nature or has clearly audible tone components the above limited shall be reduced by 5dB(A).

Reason: In the interest of residential amenity.

3. The portable cabins located to the front of the site (closest to the eastern boundary) shall be removed from the site area within three years from the date of grant of planning permission.

Reason: In the interest of the proper planning and sustainable development.

4. The development hereby approved shall not operate outside the following times, unless agreed in writing with the planning authority:

Monday to Friday 08:00am to 18:00pm, Saturday 08:00am to 17:00pm nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of residential amenity.

5. 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.

6. All servicing of the facility, including unloading and loading of produce, shall take place within the confines of the site boundaries and shall not encroach onto the public road.

Reason: In the interest of road safety.

7. All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by 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 by the planning authority.

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

8. 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

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

9. (a) A certificate of installation and commissioning of the wastewater treatment system and Ecoflo Co Co Filter and gravel distribution bed shall be submitted to the Environment Section of Monaghan County Council within six months from date of grant of planning permission.
- (b) The developer shall arrange for the installation of an alarm system on the wastewater treatment plant to notify relevant personnel in the event of failure of components of the wastewater treatment.
- (c) The developer shall enter into a contract for the future maintenance and servicing of the wastewater treatment system in accordance with the manufacturers recommendations. A copy of maintenance and servicing checks shall be maintained onsite.
- (d) Desludging of the wastewater treatment system shall be carried out in accordance with manufacturer's recommendations and shall be carried out by a suitably permitted contractor in accordance with the requirements of the Local Government, Waste Management, Act, 1996.
- (e) All existing and proposed surface water drainage systems shall be maintained and installed to ensure that no polluting matter enters the surface water collection system and in accordance with the stormwater drainage proposals submitted with this application. A manhole shall be installed at the outlet from the interceptor to allow for sampling of surface water to take place. The interceptor shall be inspected and serviced/maintained as per manufactures recommendations and records of servicing/maintenance shall be kept onsite. The recommendations of the CCTV shall be completed.

Reason: In the interests of public health and environmental protection.

10. 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.

Reasons and Considerations (2)

In deciding not to accept the Inspector's recommendation to grant permission for this portion of the development, the Board had regard to the appeal documentation as well as the totality of documentation on file including the submitted noise report, and the Board was not satisfied that the proposed development would not seriously impact on the residential amenity of the two properties immediately adjacent to the site by reason of noise nuisance, in this regard the Board did not consider that the submitted noise assessment adequately accounted for the turning movements of Heavy Goods Vehicles. The Board also noted that it was not clear from the drawings submitted whether the proposed 'turning circle' involves a reduction in the private amenity space available to the dwelling in first party ownership, and whether the residual amenity space available would be of sufficient size and quality to preserve residential amenity. The Board, therefore, considered that to permit this portion of the development would be contrary to the proper planning and sustainable development of the area.



Stephen Brophy

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

Dated this 3rd day of May 2024.