



An
Bord
Pleanála

Board Order
ABP-320351-24

Planning and Development Acts 2000 to 2022

Planning Authority: Monaghan County Council

Planning Register Reference Number: 22497

Application for Leave to Appeal against the decision of the planning authority by John Morehart care of Joe Bonner Town Planning Consultant of The Airport Hub, Unit 1, Furry park, Old Swords Road, Santry, Dublin, having an interest in land adjoining the land in respect of which Monaghan County Council decided on the 1st day of February, 2023 to grant, subject to conditions, a permission to Abbott Ireland care of Michael Fitzpatrick of Main Street, Butlersbridge, County Cavan in accordance with the plans and particulars submitted to the said Council.

Proposed Development: Expansion to existing facility to provide additional warehouse capacity of 443.50 square metres, laboratory area of 327.2 square metres, ancillary office and staff facilities of 951.10 square metres over four-storeys, with an overall height of 15.8 metres from ground level. The change of use of existing warehouse area to accommodate a tower which will facilitate ingredient storage and blending with a floor area of 2134.2 square metres with an overall height 22.7 metres from ground level. This tower expansion will be positioned alongside existing towers. The associated internal service and ancillary floorspace extends to six-storeys that will include 87.3 square metres associated office space and 1115.3

square metres storage space. Expansion to rear of existing facility to accommodate four number powder silos with floor area of 776.1 square metres over five-storeys. Overall height 20.8 metres from ground level. Additional first floor office of 42.8 square metres within existing warehouse. First floor 4.2 metres above ground floor, overall height seven metres from ground level. Demolition and removal of existing prefabricated office building. Overall height three metres from ground level, floor area of 274.7 square metres. New standalone water treatment plant, floor area of 463.6 square metres and associated equipment, plant, yard and the height of highest tank is 15.4 metres from ground level. Three number existing water tanks to be relocated from within existing facility and incorporated within new water treatment plant. Three number existing water tanks and existing water treatment equipment to be removed off site. Installation of new 250 millimetres diameter water ring main around the north and east of the existing facility building. Provision of a temporary construction compound to the north of existing car parks comprising a total of 1750 square metres. Ancillary works will also include for; relocation of staff shelter, removal of existing bicycle shelter and provision of new bicycle shelter, realigning existing kerbing, relocation of underground surface water sampling points, associated car parking spaces which incorporates 10 number electric vehicle charge spaces along with associated ducting and services within the proposed car parks. All associated site development/construction works required to facilitate the proposal along with connection to existing foul water, storm water and service networks, all at Dromore West, Cootehill, County Monaghan. The Abbott Ireland Cootehill site operates in compliance with a licence issued under Part IV of the Environmental Protection Agency Act 1992 (as amended by the Protection of the Environment Act, 2003).

Decision

REFUSE leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

Reasons and Considerations

Under section 37(6) of the Planning and Development Act, as amended, the Board may, within 4 weeks from the receipt of the application, grant the applicant leave to appeal where the applicant shows that:

- (i) the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission, by reason of conditions imposed by the planning authority to which the grant is subject, and
- (ii) that the imposition of such conditions will materially affect the applicant's enjoyment of the land or reduce the value of the land.

In considering the application for leave to appeal, the Board had regard to the submission and documents received with the application for leave to appeal, the conditions set out in the planning authority's decision and to the documentation accompanying the planning application. In particular, the Board considered condition numbers 4 and 6 attached to the grant of permission, as referenced in the applicant's submission. The Board considered that it has not been shown that the development in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission, by reason of conditions imposed by the planning authority to which the grant is subject.

In its decision, the Board concurred with the conclusion of the report of the Inspector that having regard to

- (a) the proposed development being described in the public notices and in the documentation and plans accompanying the planning application including the Construction Environment Management Plan (CEMP), the Resource and Waste Management Plan and the Environmental Impact Assessment

Screening Report which provide details on specific procedures and best practice for

- (i) demolition and waste;
 - (ii) soil excavation;
 - (iii) matters that would be covered in a water protection plan checklist;
and
 - (iv) measures to prevent pollution during the construction phase.
- (b) the entire facility, including water abstraction and water disposal via the onsite wastewater treatment system being subject to an IED licence by the Environmental Protection Agency (licence reference P0687-02) details of which are provided in the Environmental Assessment Screening Report which accompanied the planning application,

the matters to be addressed by conditions 4 and 6, as imposed by the planning authority, do not result in a development that differs materially from the development as set out in the application for permission.

As such, the Board considered they do not meet the criteria for leave to appeal as set out under section 37(6) of the Planning and Development Act, as amended, above and on this basis, the Board decided to refuse the application for leave appeal.


Stewart Logan

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

Dated this 21st day of August 2024.