



An  
Bord  
Pleanála

## Inspector's Report ABP – 307189 – 20.

### Development

Cead pleanála a choinneáilt agus 2) cead chun forbairt a chríochnú. San áireamh sa chead tá: 1) bhonn concreíte agus cosán gairbhéalach agus san áireamh beidh 2) cead chun oibreacha a chríochnú a bhfuil san áireamh polathollán agus 6 bhinse picnic ar bhoinn coincreíte agus na hoibreacha forbairt suímh a bhaineann leis.

### Location

Knockaconny, Monaghan, Co. Monaghan.

### Planning Authority

Monaghan County Council.

### Planning Authority Reg. Ref.

19552.

### Applicant

Coláiste Oiriall

### Type of Application

Planning Permission and Retention Permission.

### Planning Authority Decision

Grant with conditions.

### Type of Appeal

3<sup>rd</sup> Party.

**Appellant**

Rosaline Keenan.

**Observer**

None.

**Date of Site Inspection**

6<sup>th</sup> day of August, 2020.

**Inspector**

Patricia-Marie Young.

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## 1.0 Site Location and Description

- 1.1. The irregular L-shaped appeal site has a given 0.5469ha area and it forms part of the Coláiste Oiriall campus in Knockaconny, Co. Monaghan.
- 1.2. This appeal site benefits from frontage onto the N12 (Note: Armagh Road) along its southernmost boundary with this road frontage being situated c0.8km to the east of its junction with the N2. The larger remaining southern boundary is indented northwards bounding playing pitches associated with Coláiste Oiriall, its northern boundary runs alongside and neighbours two watercourses (Note: the Ulster Canal and the River Blackwater). This central linear shaped portion of the site contains a pedestrian pathway that runs alongside the aforementioned playing pitches with the area to the immediate north being heavily wooded.
- 1.3. At the sites western most boundary it adjoins an access road that serves Coláiste Oiriall, the Monaghan Institute, the Garage Theatre, and a Sports Hall Barry McGuigan.
- 1.4. On the easternmost boundary the site is adjoined by a single storey modest dwelling house. There appears to be recent single stem deciduous trees planted inside the site boundary to reinforce a low-level post and rail fence. The ground levels of the site are higher than the ground levels that characterise this property with the ground levels rising towards the main stretch of the western boundary.
- 1.5. The site and the surrounding area has an edge of settlement character. The adjoining stretch of the N2 is heavily trafficked, has a curving alignment and contains no pedestrian pathways.

## 2.0 Proposed Development

- 2.1. Cead pleanála a choinneáilt agus 2) cead chun forbairt a chríochnú. San áireamh sa chead tá: 1) bhonn concríte agus cosán gairbhéalach agus san áireamh beidh 2) cead chun oibreacha a chríochnú a bhfuil san áireamh polathollán agus 6 bhinse picnic ar bhoinn coinchríte agus na hoibreacha forbairt suímh a bhaineann leis.
- 2.2. Essentially by way of this application permission is sought for the retention and completion of a total of seven in number concrete bases with one of these accommodating a polytunnel structure with the other six being used to each

accommodate a picnic bench. In addition, planning permission is sought for the installation of gravel pathways, raised beds and all associated site works.

2.3. In the documentation accompanying this application it includes a document titled 'An Tearmann Glas agus an Fháslann' which essentially relates to the applicant providing a green garden sanctuary with a priority given to the provision of a polytunnel and picnic areas. The project is described as having the following aims and objectives:

- To build a school garden;
- To plant trees, bushes and flowers;
- To plant and nurture fruit trees and fruit bushes;
- To plant and care for a vegetable patch;
- To plant and care for herb garden;
- To build picnic benches;
- To build a polytunnel;
- To create various biodiversity constructions such as insect motels etc;
- To create self-sustaining compost;
- To educate students in a multitude of disciplines in this space.

2.4. In addition, the planning application form indicates that the gross floor space of the polytunnel proposed is 122.28m<sup>2</sup> and the gross floor space of works to be retained is 160.84m<sup>2</sup> of seven in total concrete bases. Water supply and drainage is indicated to be via new connections to public existing infrastructure.

2.5. On the 11<sup>th</sup> day of March, 2020, the applicant submitted their response to the Planning Authority's further information request. Of note no significant amendments were made to the proposal as submitted to the Planning Authority on the 11<sup>th</sup> day of December, 2019, with the main revision being the movement of the picnic areas westwards more centrally located within the main area of the site. The further information response includes the following comments:

- The pathway to the polytunnel will be gated and locked to students at all times except when there is a football match or training in the field.
- There will be no access to the polytunnel area without the supervision of a teacher.

- Each visit will have learning intentions and learning outcomes.
- The maximum use of the polytunnel will be in sessions of one-hour duration between the hours of 9:00am and 4:00pm during the 167 days of the school year.
- Usage during the months of December to February will be limited.
- The area would not be open to the members of the public except during open days for parents.
- Class groups supervised by an individual teacher will not exceed 30 students.

2.6. On the 19<sup>th</sup> day of March, 2020, the Planning Authority accepted unsolicited information from the applicant. This letter was from the principal of the school and it provided clarity on the nature and extent of activities associated with this development.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to 7 no. conditions. I note the requirements of the following conditions:

- |                 |  |
|-----------------|--|
| Condition No.1: | Restricts the use of the development.  |
| Condition 2:    | Landscaping provisions.  |
| Condition No.3: | Prohibits amplified or other music on-site.                                  |
| Condition No.4: | Restricts the erection of signs, advertising materials and the like on site. |
| Condition No.5: | Restricts the use of lighting.   |

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The **final Planning Officer's report** recommends a grant of permission subject to conditions having concluded that the development would not unduly impact on the residential amenity of existing land uses in the vicinity.

The **initial Planning Officer's report** resulted in a request for further information.

Item No. 1: South revisions so that all ancillary aspects of the development are and will be located beyond the southwestern edge of the building line of the proposed polytunnel.

Item No. 2: Requested a response to the 3<sup>rd</sup> Party submission.

### 3.2.2. **Other Technical Reports**

**Municipal District Office:** No objection.

**Environmental:** No objection, subject to recommended conditions.

### 3.3. **Prescribed Bodies**

3.3.1. **Inland Fisheries Ireland:** No objection subject to the mitigation measures being put in place to ensure that there are no discharges of deleterious matter from the site during the construction phase to either the Ulster Canal and the Blackwater River.

3.3.2. **Transport Infrastructure Ireland:** No objection subject to safeguards.

### 3.4. **Third Party Observations**

3.4.1. The Planning Authority received one third party observation to the development sought under this planning application. This raises the same concerns as those raised in their 3<sup>rd</sup> Party appeal to the Board.

## 4.0 **Planning History**

### 4.1. **Recent and/or Relevant Planning History:**

4.1.1. None.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

5.1.1. The applicable Development Plan is the Monaghan County Development Plan, 2019 to 2025, under which the site is situated on land zoned Community Services/Facilities and which has the following stated zoning objective “*to protect, provide and improve community, civic and educational facilities*”.

## **5.2. Natural Heritage Designations**

5.2.1. The site lies c10.1km to the south east of Special Protection Areas: Slieve Beagh SPA (Site Code: 004167). There are no other Natura 2000 sites within a 15km radius of the site.

## **5.3. EIA Screening**

5.3.1. Having regard to the nature, scale and extent of the development sought, the fact that the site is not in nor does it adjoin any Natura 2000 site, the absence of any connectivity to any sensitive location due to the lateral separation between the site and the nearest Natura 2000 site, it is considered that there is no real likelihood of significant effects on the environment arising from the development sought and the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The grounds of this 3<sup>rd</sup> Party Appeal can be summarised as follows:

- The applicant's further information response provided no meaningful material mitigation to address the appellants concerns.
- The appeal site occupies ground levels that are higher than those characterising the appellants property.
- The site chosen is remote from the main school complex .
- The appeal site and any development thereon would be fully visible from the appellants property and the adjoining N12.
- The polytunnel and picnic tables were erected in August, 2019, in the absence of permission.
- The applicant planted a single row of trees along the shared eastern boundary in April, 2020.



- This development, if permitted, would detrimentally impact their residential amenities by way of overlooking, noise, overshadowing, general disturbance, loss of aspect, reduced home security, malodours, reduced peace, and tranquillity.
- Due to the higher ground levels of the site relative to the appellants property it is considered that the choice of location for the polytunnel and picnic tables are inappropriate.
- The existing eastern boundary of the site is of insufficient height to provide any protective screening and the recently planted trees will do little to address the loss of privacy and amenity that would arise to their property.
- If permitted, the appellants property would become more vulnerable to theft, vandalism, and anti-social behaviour.
- The proposed polytunnel is considered to be of a commercial size and would because of its placement result in diminishment of sunlight and natural daylight to the appellants property. It is also considered that at the location chosen it would also be visually imposing, obtrusive, and overbearing.
- At present the appellants property provides a quiet and private amenity space that is unaffected by the schools' activities and, this development, if permitted has the potential to result in a loss of its market value if permitted.
- Drainage concerns are raised.
- There are other more suitable locations for this development within the college grounds where it could be more successfully absorbed.
- This development would, if permitted, give rise to an undesirable precedent.

## 6.2. Applicant Response

6.2.1. The applicant's response to the grounds of this appeal can be summarised as follows:

- This project is for transitional year students to build a school garden with the school aiming to develop a biodiversity programme for its students. This will include biodiversity workshops centred around ecological, tree planting, wildflower planting and climate change.
- This development is consistent planning provisions.

- The ground levels of the site and the appellants property are broadly similar and given that the polytunnel is forward of the building line of the appellants property it will not injure their private amenity space nor will it result in any undue overlooking.
- The polytunnel is of a restricted height and there would be occasional pedestrian activity by patrons of the school.
- The applicant relocated the picnic tables and raised beds to the west of the polytunnel structure as part of their further information response.
- The conditions imposed by the Planning Authority are adequate to ensure that the proposal is used solely as a school garden without adverse impact on the appellants residential amenity.
- Management of composting facilities would be the responsibility of the school and Condition No. 6 of the Planning Authority's grant of permission would ensure that organic materials only are composted.
- The school campus is not accessible to the general public and the site was chosen to make efficient use of the campus lands and to create a relaxing environment. Access will be limited, and the area will be locked at other times.
- This proposal would not be visually overbearing, physically imposing or visually obtrusive.
- Assertions made that the proposed development would devalue properties has no bearing on the planning assessment of this application and its merits.
- This development would result in improved on-site drainage over the existing situation.
- The site cannot remain as a 'de facto' buffer between the appellants and applicant's properties.
- Reference is made to appeal case ABP-305181-19.
- The Board is requested to uphold the decision of the Planning Authority.

### **6.3. Planning Authority Response**

6.3.1. None received.

## 7.0 Assessment

### 7.1. Introduction

- 7.1.1. Before I commence my assessment of this appeal case, I consider it incumbent to address a number of comments contained within the applicant's response to the grounds of the 3<sup>rd</sup> Party Appeal submission received by the Board. In this regard, I note that the applicant in their submission contend that the appellant in this case does not wish any development to occur on the lands in question and that their appeal is not based on legitimate planning as well as environmental concerns but rather they are using the planning process to prevent and delay the school from carrying out the development sought under this application.
- 7.1.2. I do not consider such contention to be based on an objective and fair consideration of the actual content and concerns raised by the appellant in their appeal submission to the Board. Nor in my view does it reflect their previous submission made to the Planning Authority which like their submission to the Board clearly centres around the potential of the development sought by way of this application to give rise to nuisance; diminishment of their established residential amenities; would result in a diminishment to the visual amenities of its immediate setting; and, if permitted would devalue their property. Further, the appellants also do not object to the principle of the development sought but they consider having regard to the applicants large landholding that there were more suitable and appropriate locations for this development to be carried out where there would be a closer synergy between it and the schools main buildings given that the location chosen is c0.2km from one another at their nearest point. The other available options to the applicant they argue would also be remote from adjoining more sensitive to change land uses like their residential property.
- 7.1.3. These matters alongside other ancillary planning related matters raised by the appellant in their grounds of appeal submission are in my view substantive planning related issues that are open for the Boards consideration as part of its jurisdiction in the *de novo* consideration of this appeal case. I do not consider them to be in any way frivolous, vexatious or made to delay the outcome of the development which is sought by the school to regularise works that were commenced in the absence of obtaining planning permission in the first instance which I agree should not prejudice any

decision made by the Board. With the only advantage being that one can see part of the development *in situ* for which retention is sought.

7.1.4. I therefore do not accept that the applicants contention that this 3<sup>rd</sup> Party Appeal before the Board is not based on legitimate planning and environmental concerns or indeed made to prevent and/or stall development on the adjoining portion of school land that bounds their property.

7.1.5. Having read the entire contents of the file; having inspected the site and its setting alongside having regard to relevant planning provisions I consider that the main issues in determining the application in this appeal case are:

- Principle of the Development Sought
- Amenity Impact
- Drainage
- Devaluation of Property

7.1.6. The matter of 'Appropriate Assessment' also requires examination.

## 7.2. Principle of the Development Sought

7.2.1. The appeal site forms part of a larger parcel of land that generally extends in a westerly direction towards and to include the school, Monaghan Institute, a theatre and a sports hall that is zoned 'Community Services/Facilities'. The stated zoning objective for such land is "*to protect, provide and improve community, civic and educational facilities*".

7.2.2. Despite the presence of recently installed concrete base structure and evidence of both ground works alongside recent landscaping mainly in the form of single standard deciduous trees along the eastern boundary, the subject lands otherwise are characterised by a dense wooded area along its northern boundary. There is also an existing pathway that extends along the long linear portion of the site in a east west direction along the main southern boundary of the site to where it meets the larger portion of land which is positioned at the eastern end of this modest in area site.

7.2.3. The site appears to have no functional use other than providing access to the schools playing field which it wraps around on part of its southern and western boundaries. It also appears unkempt and is highly visible from the public domain of the N12.

- 7.2.4. Nonetheless the documentation on site indicates that the site formed part of the larger school campus site that was acquired in 2013 and has remained part of the school campus lands since that time.
- 7.2.5. The provision of enhanced facilities and infrastructure within an existing educational facility campus, like this is generally supported by planning provisions, in particular under local planning provisions which as stated includes the zoning of this land as community services/facilities under the current Development Plan but also under policy provisions including but not limited to policy CFP 3 of the Development Plan which states: *“to ensure that suitable and sufficient lands are available in appropriate and accessible areas in the larger settlements of County Monaghan for the provision, expansion and/or improvement of educational facilities...”*. Arguably this development consists of the provision, expansion, and improvement of Coláiste Oiriall’s educational facilities at this location which is in turn of benefit to the settlement of Monaghan town and its hinterland. It therefore accords with this stated Development Plan policy.
- 7.2.6. Based on the above I consider that the provision of what is essentially a school garden which includes but is not limited to the installation of a polytunnel, picnic areas through to various ancillary provisions is a type of development that is generally deemed to be acceptable on lands within an existing educational campus on lands zoned for community services and facilities.

### 7.3. **Amenity Impact: Residential and Visual**

- 7.3.1. The appeal site shares its eastern boundary with an existing modest in nature, scale and extent single storey dwelling with the land associated with this dwelling and other neighbouring detached properties to the east being zoned ‘Existing Residential’. The land use zoning objective for such land under the current Development Plan is: *“to protect and enhance existing residential amenities”*.
- 7.3.2. I am cognisant that Section 15.13.7 of the Development Plan states that: *“all development must have regard to the potential impact upon the residential amenity of existing and permitted residential land uses in the vicinity of the development”*. With policy RDP 24 of the Development Plan also stating that: *“development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of overshadowing, overbearing, dominance, emissions or general disturbance shall be resisted”*.

- 7.3.3. The shared boundary is between the appellants property and the appeal site is c83 in its length with the appellants dwelling being setback at its nearest point from its roadside boundary with the N12 by c33.5m. This existing dwelling has an irregular shaped footprint with its western elevation containing four different setbacks from the aforementioned shared boundary. With this staggered elevation containing extensive glazing and two solar panels on the roof over southernmost single storey projection of the dwelling. At its nearest point there is c5m in lateral separation distance between the two.
- 7.3.4. The appellants property and the neighbouring properties to the east share a similar setback from the N12 roadside edge whereas by way of this application it is sought to place the polytunnel structure on an existing concrete base that is setback a stated 7.9m from the highly porous roadside boundary; c3.6m from where the centre line of the shared boundary appears to be; and, c7m from the western elevation of the appellants property at its nearest point.
- 7.3.5. Of concern the site's ground levels and those of adjoining land has not been clarified in the documentation submitted with this application as part of the applicant's further information request on the 11<sup>th</sup> day of March, 2020. Nor was it clarified in their initial application documentation though the difference in ground levels was a concern raised during the determination by the appellants in their submission to the Planning Authority. Whilst the polytunnel is indicated in the revised drawing submitted as part of the further information as having a maximum height of 2.44m which I consider is modest, it however has a width of 7m and a significant depth of 20.2m. This structure length aligns with the eastern boundary and would have a lateral separation along its length with this boundary of a stated 3.6m.
- 7.3.6. The applicants further information response appears to have resulted in a slight enlargement of the polytunnel structure proposed with this structure previously being indicated in the initial planning application drawings as having the same height but a 6.4m width and 19.5m length. I do not consider this increase to be significant but would warrant any grant of permission requiring the development to be carried out in accordance with the submitted drawings as revised.
- 7.3.7. I consider that the siting of the polytunnel structure breaks the established building line of properties to the east. I also note that is forward of the building line of the school

building located to the west of their playing pitches. There is also an absence of any robust screening with low boundaries with recently planted and widely separated single standard deciduous trees planted and a highly porous post and mesh fence along the N12 roadside boundary.

- 7.3.8. In addition to this, the alignment of the N12 is curving and bending into the roadside boundary of the site as well as the ground levels of this national road rises as one journeys towards the site in a westerly direction on it. The site's visibility as one approaches in an easterly direction on the N12, in my view is added to, by the lack of any robust screening with the roadside boundary.
- 7.3.9. Altogether any structures placed within the main area of the site, i.e. the eastern portion of the subject site, would be highly visible not only from the appellants property but also upon entry into the settlement of Monaghan town itself.
- 7.3.10. The placement of the polytunnel is at odds with the pattern of development, i.e. the building to space relationships that characterises its setting and whilst the height of the structure is modest arguably its length alongside the monotony of its c20m length would be highly visible in both directions as approached on the N12 as well as when viewed from the appellants property.
- 7.3.11. Potentially the visual incongruity of the polytunnel may be visually more at odds with buildings in its setting should it be simply finished with a cover of a polythene plastic which is generally accepted to not be a durable option and that often weathers badly as opposed to more durable as well as visually light weight polycarbonate finish.
- 7.3.12. On this latter point I note that the material finish of the polytunnel structure has not been specified in the submitted drawings with these also having a bearing on what potential impact such a structure could have on adjoining more sensitive to change properties like the appellants residential property in terms of diminishment of daylight through to overshadowing and may also have a glare impact on road users using the N12.
- 7.3.13. I consider that the applicant either in their further information submission to the Planning Authority and by way of their response to the grounds of appeal have not made a robust case that they have robustly quantified that no undue diminishment of daylight and/or overshadowing would occur either from the polytunnel structure itself

and also from the provision of appropriate boundaries to safeguard the appellants property from being overlooked from the use of the development sought.

- 7.3.14. I consider it would be appropriate and reasonable in this context, i.e. having regard to the proximity to a residential property which in this context is the land use that is more sensitive to change, that the polytunnel structure is moved to have a similar lateral separation distance of 3m from the main western boundary of the main site area. Effectively within the area currently annotated in the submitted drawings to accommodate the gravelled pathway and raised beds but also with a setback of no less than 30m from the roadside boundary with the N12 so that the building line in this area is respected and that no glare nuisance arises for road users should a polycarbonate or other highly reflective external material is chosen.
- 7.3.15. Appropriate measures can be conditioned to provide robust screening to deal with noise nuisance but also to limit potential for overlooking along not just the eastern boundary of the site shared with the appellants. I also note that Transport Infrastructure Ireland, in their submission to the Planning Authority, sought not only that no direct vehicular/pedestrian access be permitted onto the N12 but also that the current boundary treatment with the N12 requires redesign.
- 7.3.16. As part of the schools vision to create a green sanctuary by way of this application I consider that the location chosen by them is highly visible from the heavily trafficked N12 and this application does not seek to address this high level of visibility in terms of providing a safe place for its students but also attenuation measures to deal with the high volume of noise associated with this heavy volume of traffic which has the potential to diminish the amenity the school is trying to achieve by way of the development sought. This too could be dealt with by way of condition should the Board be minded to grant permission for the development sought under this application.
- 7.3.17. With respect to the other potential nuisances which are raised by the appellant in their grounds of appeal, the applicants have clarified that only organic materials arising from the growing activities would be composted in accordance with Condition No. 6 of the Planning Authority's grant of permission. In addition, the location of where the composting facility could be sited can also be subject to condition as this is not indicated in the submitted drawings so as to ensure that no undue nuisance arises. Other nuisances such as those associated with the use of lighting, noise, drainage



measures through to the overall use of the development sought in my view are adequately addressed by way of the conditions included in the Planning Authority's notification to grant permission for the development sought.

7.3.18. Subject to the safeguards set out above, in particular the relocation of the polytunnel and the provision of appropriate screening along the perimeters of the site, alongside the conditions set out in the Planning Authority's notification to grant permission for the development sought to safeguard residential and visual amenities of its setting, I am of the view that this development would not result in any undue serious diminishment of residential and visual amenities of its setting or would it be contrary to the provisions of Section 15.13.7 and policy RDP 24 of the Development Plan which essentially seeks to safeguard and protect residential development. Moreover, it would result in a reasonable balance being achieved between lands that have a transitional zoning character.

#### 7.4. **Drainage**

7.4.1. I concur with the Planning Authority that subject to compliance with the safeguards set out under Condition No. 6 of their notification to grant permission for the development sought under this application that the drainage requirements of this development can be dealt with within the confines of the site and by way of the public infrastructure connection proposed. Should the Board be minded to grant permission for the development sought under this application I recommend that a similar condition be attached.

#### 7.5. **Devaluation of Property**

7.5.1. I am not satisfied that the appellant has substantiated by way of evidentiary proof, that the development sought, if permitted, would result in a devaluation of their property. I am therefore unable to make any determination on such a matter.

#### 7.6. **Other Matters Arising**

7.6.1. **Anti-Social Behaviour:** I consider that the provision of robust perimeter boundary treatments would reasonably deal with this and related concerns. Moreover, it would be the responsibility of the school to ensure that the use of this school garden does not result in any undue nuisance to properties in its vicinity, including the appellants. Furthermore, it is a responsibility of the Gardaí to deal with other matters such as theft

and burglary raised as a concern by the appellant in their grounds of appeal which are beyond the applicant's control.

7.6.2. **Financial Contributions:** No financial contributions are applicable to the development sought under this application.

7.6.3. **Shared Boundary:** Having regard to the documentation contained on this file it appears that the eastern boundary is a shared boundary. I therefore consider it appropriate, should the Board be minded to grant permission for the development sought under this application, that an advisory note is attached reiterating Section 34 (13) of the Planning and Development Act, 2000, (as amended) which reads: '*a person shall not be entitled solely by reason of a permission under this section to carry out development*'.

## 7.7. **Appropriate Assessment**

7.7.1. This appeal site is not located within or near any designated Natura 2000 site with the nearest such site situated c10.1km to the north west of it (Note: Special Protection Areas: Slieve Beagh SPA (Site Code: 004167)). Having regard to the material submitted with the application, the pattern of development in the area, the modest nature, extent and scale of the development south, and the absence of any connectivity with a Natura site, I am satisfied that no Appropriate Assessment issues arise. It is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 **Recommendation**

8.1. Having regard to the foregoing assessment I recommend that permission be granted for the development sought under this application for the reasons and considerations, and subject to the conditions, set out hereunder:

## 9.0 **Reasons and Considerations**

Having regard to the sites location within an existing educational campus; the nature, extent and scale of the development sought which would enhance the facilities and the range of teaching capabilities within the school on offer for its students; and, the

site's location on land zoned for community services and facilities, it is considered that this development, subject to compliance with the conditions set out below, would not seriously injure residential and visual amenities of its setting, it would accord with the provisions of the Monaghan County Development Plan, 2019 to 2025, and with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by further information lodged on 11<sup>th</sup> day of March, 2020, 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 development shall be used solely for the purposes hereby permitted, i.e. a school garden to serve the school exclusively. The development shall not be occupied/used on Saturdays, Sundays, and Public Holidays.

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

3. The proposed development shall be amended as follows:
  - (a) The polytunnel shall be relocated westwards to within no more than 3m from the western boundary of the main site area and shall be setback from the N12 roadside boundary by no less than 30m.
  - (b) The gravelled pathway and raised beds shall be relocated towards the eastern boundary of the site but with a lateral separation distance of a minimum of 5m from this boundary.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. It shall include the following:-
  - (a) Details of the ground levels of the site and immediate adjoining land.
  - (b) Details of all proposed and semi-permeable surface finishes, including those associated with the bases for the picnic areas, pathways, and kerbing within the development.
  - (c) Proposed locations of trees and other landscape planting within the development, including details of proposed species and settings.
  - (d) Details of proposed permanent boundary treatments at the perimeter of the main site area, including materials, heights, and finishes. The boundary treatment along the eastern boundary and N12 shall be no less than 2-meters in height along the eastern boundary and shall provide a year-round screening that achieves visual screening and acoustic mitigation along the eastern boundary and the boundary with the N12.
  - (e) Details of proposed furniture, composting area(s), and the like.
  - (f) The planting and boundary scheme shall be carried out in accordance with the scheme agreed and shall be completed within the first planting season following the commencement of construction works.
  - (g) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development 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 visual amenity.

5. No amplified or other music shall be played on-site.

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

6. No signs, flags, logos, other advertising material or illumination shall be erected or displayed on or adjacent to the development/property without prior permission being obtained from the Planning Authority.

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

7. No floodlighting or other external means of illumination shall be provided, installed, or operated on-site.

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

8. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To prevent pollution.

***Advisory Note:***

Section 34(13) of the Planning & Development Act, 2000, as amended.

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Patricia-Marie Young  
Planning Inspector

19<sup>th</sup> day of August, 2020.