



An
Bord
Pleanála

Inspector's Report

ABP-312285-21

Development	Industrial / warehouse unit with ancillary office. associated site development works.
Location	Nafarty, Carrickmacross, Co. Monaghan.
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	2119
Applicant(s)	Martin Pallets Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Observer(s)	Corr an Tobair Residents Association and others.
Date of Site Inspection	16 th May 2022.
Inspector	Barry O'Donnell

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 1.06ha and is located in the townland of Nafarty, north of Carrickmacross town centre. It consists of a greenfield site in an area of mixed uses, including commercial and residential development, and there is also an Irish Water waterworks facility to the north-west.
- 1.2. The site falls away from the adjacent road, indicated by the site layout drawing as falling by 11.5m from a high point at the north boundary, to the south corner. It is contained behind a low-level earthen mound along the north boundary and by a mix of hedgerows and vegetation along remaining boundaries. It is currently in use as a construction compound, for a housing development on the opposite side of the road.
- 1.3. The site is accessed via (a) a private cul-de-sac type road that routes from the Ballybay Road roundabout and which also serves the Corr an Tobair and Tobair na Carraig housing estates, the under-construction housing development to the north, the aforementioned Irish Water waterworks and a detached residential property and (b) a private lane that provides access to the Doyle's Agri commercial site.

2.0 Proposed Development

- 2.1. The proposed development entailed within the public notices comprises the construction of an industrial/warehousing unit with ancillary single storey office space, new entrance gates and boundary treatments, connection to main public foul sewer, hard and soft landscaping and associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused permission on 23rd November for 2 reasons as follows: -
 1. Policy RDP24 of the Monaghan County Development Plan states "development which has the potential to 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". Notwithstanding

the documentation submitted including a Noise Impact Assessment, the applicant has failed to demonstrate to the satisfaction of the Planning Authority that the proposed development, by reason of the nature of the activities involved, and the use of an access through an established residential area, will not have a negative impact upon the residential amenity of existing and permitted residential properties within the vicinity of the subject site. Consequently, the development if permitted, would be contrary to policy RDP24 of the Monaghan County Development Plan 2019-2025 and to the proper planning and sustainable development of the area.

2. The Monaghan County Development Plan 2019-2025 notes that a well-designed access is important for the safety and convenience of all road users, those proceeding on the public road, as well as those using the access. The submitted Road Safety Audit, whilst recommending that access to the site should be via the Ballybay Road Roundabout and the existing road serving the Corr an Tobair housing development, has failed to fully assess the impact of the proposed development on the aforementioned public road to determine the acceptability of same. Consequently, the development if permitted, would endanger public safety by reason of a traffic hazard, would be contrary to the provisions of the Monaghan County Development Plan 2019-2025 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports dated 15th March 2021 and 22nd November 2021 have been provided, which reflect the decision to refuse permission. The first report states that the site is located within Carrickmacross, a Tier 2 settlement and one of two strategic towns in the county. Reference is made to objectives CMSO 1 and CMO 4 of the development plan, which together seek to promote Carrickmacross as a service town and as the key industrial centre in the south of the county. The site is stated to be partly zoned Industry, Enterprise and Employment' and partly zoned 'Proposed Residential A' under the development plan.
- 3.2.2. The report contains an assessment of the development in the context of the requirements of policy ICP 1 of the development plan, the primary policy for industry

and commercial development, and concerns are identified regarding the ability of the road network to accommodate the development, the nature of the usage of the proposed building, proposed parking provision and landscaping proposals. The report notes the proximity of the site to Nafarty Fen pNHA and states that it is unclear whether the development may cause deterioration of habitat within the Fen. Requests for additional information from the Environmental Health and Roads departments are acknowledged. The report recommends that additional information is sought, as follows: -

- Applicant to confirm whether it is intended to use an existing residential estate access road to serve the development including provision of legal title to do so,
- Applicant to submit an updated site layout drawing, which depicts the development in the context of existing and future development and associated road layouts adjoining the site,
- Applicant to submit (a) a stage 1/2 road safety audit, which should consider the private access lane from the R180, the R180 junction and the proposed entrance onto the private road that serves existing housing, (b) revised drawings which address issues identified by the RSA and (c) proposals to upgrade the private access lane from the R180 to enable HGV access and/or provide justification for the continued and intensified use of the substandard access.
- Applicant to submit additional information which demonstrates that the development will not prejudice progression of an approved link road scheme and that the proposals are compliant with referenced objectives and sections of the development plan.
- Applicant to submit details of the nature of the proposed use of the building, details of hours of operation, a noise impact statement which should outline measures to minimise noise during construction and which should ensure the development does not become a noise nuisance for adjacent residents.
- Applicant to submit details/proposals for waste storage on the site.
- Applicant to submit details of the type and volume of any fill material required to be brought onto the site as part of proposed percolation trenches and additional section drawings to assist the Planning Authority's assessment.

- Applicant to submit a hydrogeological report, including a groundwater assessment and identification of potential pathways to the groundwater aquifer, the Proules River and the public water supply zone of contribution, construction management plan and a completed water protection plan checklist.
- Applicant to submit additional information or amended proposals related to parking spaces, manoeuvring space and EV charging points, in accordance with Section 15.28 of the development plan.
- Applicant to submit a landscaping plan commensurate to the scale of development of the site and in accordance with policies LCP 1 and LCP 2 and Section 15.19 of the development plan.
- Applicant to submit additional information which demonstrates the development will not have detrimental impact on Nafarty Fen pNHA.
- Applicant requested to comment on third party observations on the application.

3.2.3. The second report followed the additional information response and followed a period of further public consultation, following the submission of significant additional information. The report summarises and responds to the AI response and additional third-party submissions received. It recommends that permission be refused for 2 reasons, which are consistent with the Planning Authority's decision to refuse permission.

3.2.4. Other Technical Reports

Municipal District Engineer reports dated 3rd April 2021 and 18th November 2021 have been provided. The first report requests additional information, that the application should submit a stage 1/2 road safety audit and should consult the Roads department in relation to the potential link road outlined on map CKDP1 of the development plan. The second followed submission of the additional information response and recommends conditions.

Roads Design reports dated 22nd February 2021 and 22nd November 2021 have been provided. The first report requested additional information, requesting submission of (i) a stage 1/2 road safety audit, (ii) revised drawings which incorporate measures to address issues identified by the RSA, (iii) proposals to upgrade the junction of the private access lane and the R180 or justification for

continued and intensified use of the existing substandard junction and (iv) consultation with the Roads department regarding the potential link road outlined on development plan Map CKDP1 Carrickmacross. The second report followed the additional information response and recommended conditions.

A **Water Services** report dated 24th February 2021 has been provided, which expresses no objection subject to recommended conditions.

Environment (waste) Reports dated 4th February 2021, 16th February 2021 and 10th November 2021 have been provided. The initial reports requested additional information in relation to (i) clarification of the proposed use, in the context of waste management obligations, (ii) waste storage proposals, (iii) details of processes and hazardous materials to be used on the site and (iv) details of any fill material required as part of the development. The final report followed receipt of the AI response and recommended a number of conditions as part of a grant of permission.

Environment (water) Reports dated 19th February 2021 and 10th November 2021 have been provided. The first report requested additional information whereby the applicant should submit (i) a hydrogeological report, (ii) a construction management plan and (iii) a completed water protection plan checklist.

Environmental Health Officer's reports dated 24th February 2021 and 22nd November 2021 has been provided. The first report requests additional information in relation to (i) the nature of the proposed use including hours of operation and (ii) applicant to submit a noise impact assessment. The second report states that the proposal is unacceptable on the basis that the applicant had not demonstrated that no noise and dust nuisances' issue would arise for neighbouring residents,

A **Fire & Civil Protection** report dated 4th February 2021 has been provided, which expresses no objection subject to recommended conditions.

The Planning Report indicates that the **Heritage Officer** was consulted but did not provide a report on the application.

3.3. **Prescribed Bodies**

- 3.3.1. The Planning Report indicates that no prescribed bodies were consulted on the application.

3.4. Third Party Observations

3.4.1. A number of third-party submissions were received, the issues raised within which can be summarised as follows: -

- Nature of proposed use unclear,
- Site is unsuited to industrial use and industrial zoning is inappropriate,
- Impact on adjacent residential properties,
- Visual impact,
- Impact on Nafferty Fen,
- Road and pedestrian safety and traffic,
- Impact on structural integrity of existing private road and right-of-way,
- Application drawings do not reflect extent of development in immediate area.

3.4.2. A number of additional submissions were received as part of a period of further public consultation, arising from the submission of significant additional information. New issues raised within these submissions can be summarised as follows: -

- Proposed access to the site from the Corr an Tobair estate is inadequate for HGV traffic and is unacceptable.
- The development jeopardises delivery of a proposed link road extension.
- Inadequate noise assessment,
- Air quality impacts not considered.

4.0 Planning History

4.1. I did not encounter any previous planning records pertaining to the site.

Relevant Nearby Planning History

- 19/159** - Lands to the north: (ABP Ref. ABP-305928-19) Permission granted on 28th April 2020 for the construction of 41 No. houses.
- 19/160** - Lands to the north-east: Permission granted on 12th February 2020 for the construction of 4 houses, as part of the Corr an Tobair estate.

08/1185 - Permission granted on 13th March 2009 for extension to development road at Corr an Tobair estate and associated site works. previous planning ref. no. 04/1441.

5.0 Policy Context

5.1. Monaghan County Development Plan 2019-2025

5.1.1. The site is located in Carrickmacross. The majority of the site is zoned 'Industry / Enterprise / Employment' and a small portion at the north corner falls within the 'Proposed Residential A' zoning, as shown on the Carrickmacross town zoning map, Map CKDP1. The settlement plan for Carrickmacross is contained at Chapter 11 and it includes the following objectives for the town: -

CMSO 1: To promote Carrickmacross town as a prosperous and thriving local development and service town where the principles of environmental, economic and social sustainability including protection of the town's heritage and natural and built environment are enshrined.

CMO 4: Promote Carrickmacross as the key industrial centre in the south of the County.

5.1.2. Section 15.14 relates to industrial and commercial development and it states that development will be facilitated, which contributes to the economic development of the County and creates sustainable employment opportunities. Policy ICP 1 is the primary policy control for such development and it states: -

ICP 1: Proposals for industrial and commercial developments will be permitted subject to the following criteria:

- a) Industrial/commercial development shall be located in or adjacent to settlements where infrastructure has been provided in line with the principles of sustainable development.
- b) A change of use for the redevelopment of existing industrial lands/buildings will be considered acceptable where it has been clearly demonstrated to the satisfaction of the planning authority that the loss of the industrial use is justified

on the grounds of amenity, operation, economic benefit to the county or to secure the future of a building of historical or architectural merit.

- c) New industrial/commercial uses or the expansion of existing industrial uses within settlements shall be permitted where;
- The scale, design and materials are cognisant of the setting and are in keeping with the surrounding area and adjoining developments.
 - There is no adverse impact on the character or setting of the settlement or the amenity of residents.
- d) The provision of a buffer zone up to 15m in width, or as otherwise determined by the Planning Authority according to the proposed operations, where industrial and other sensitive land uses adjoin, to ensure amenities of adjacent properties are not adversely affected and that there is no significant amenity loss by way of noise, smell or other nuisance to immediate neighbours or the area in general as a result of the proposed development, lighting and the amount of traffic generated or the servicing arrangements.
- e) The provision of a high-quality layout scheme which demonstrates that the proposed buildings are not dominated by extensive car parking, hard standing or roads and that the topography and surrounding landscape are respected as appropriate.
- f) The provision of a detailed quality landscape plan, planting schedule and planting programme with all applications to include semi-mature indigenous trees that will reduce the visual impact of the proposed buildings.
- g) The redevelopment of redundant mushroom, poultry and pig units within 2.5km of designated settlements for light industrial units maybe permitted subject to compliance with all other usual planning considerations.

5.1.3. Other relevant policies include: -

INDP 1: The Planning Authority will encourage industrial development at appropriate scales and locations in line with the County's settlement strategy. Generally, where the proposed development is considered to be a significant employer and/or intensive in nature, such developments shall preferably locate within the settlement envelope for Monaghan Town or the Core Strategy's Tier 2 or 3 towns. In

exceptional circumstances industries that are tied to a fixed resource and/or require extensive sites or specific settings, to permit their location in rural areas subject to normal planning criteria and environmental legislation requirements.

INDP 9: To require proposals for industrial and commercial purposes to be designed to a high standard in accordance with the specific provisions set out in the Development Management Chapter to provide quality environments with adequate allowance where necessary for landscaping, machinery parking and circulation, and the appropriate disposal of foul and surface water.

5.2. National Planning Framework

- 5.2.1. The National Planning Framework provides an overarching policy and planning framework for the social, economic and cultural development of the country. The NPF sets out 75 no. National Policy Objectives including the following:

NPO6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

NPO11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

5.3. Natural Heritage Designations

- 5.3.1. The site is not located within or adjacent to any European site, the nearest such sites being Stabannan-Braganstown SPA (Site Code 004091) and Dundalk Bay SPA (Site Code 004026), which are both in excess of 20km from the site.
- 5.3.2. Nafarty Fen Proposed Natural Heritage Area is located c.100m south of the site.

5.4. EIA Screening

- 5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application.

5.4.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.4.3. The proposed development comprises the construction of an industrial / warehouse unit with ancillary office. associated site development works, on a site with a stated area of 1.06ha. The applicant states that the exact nature of the use proposed is that end-of-life and broken pallets will be accepted, from various industry sectors, for repair and reuse. The site is not located within a business district and I am satisfied that the development falls well below the applicable site area threshold of 10ha.

5.4.4. In respect of sub-threshold EIA, having regard to the limited nature and scale of the proposed development, which does not involve the use of hazardous materials and requires the use of saws and nail guns within the building, it is considered that there is no real likelihood of significant effects on the environment. 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 first-party grounds of appeal can be summarised as follows: -

- Refusal reason No. 1
 - The proposal will not impact on adjoining residential property.
 - No overshadowing or overbearance will arise.
 - Processes on the site require the use of saws and nail guns, which will be used within the unit. Emissions arising would be only from vehicles coming and going from the site.

- The site is zoned for industry, enterprise and employment. Given the separation distance to adjacent housing and the fact that repair work is undertaken internally, there will be no disturbance to neighbouring property.
- A response to the refusal, from FR Marks & Associates as authors of the noise impact assessment, is also provided as part of the appeal.
- Refusal reason No. 2
 - The link road was approved under Reg. Ref. 08/1185 and was constructed to facilitate the development of these lands. A road safety audit was submitted with application Reg. Ref. 08/1185.
 - The Planning Statement submitted with Reg. Ref. 08/1185 clearly states that the intention of the road is to facilitate all landowners and to allow for movement of all vehicle types on the road.
 - A response to the refusal from P. Herr & Associates, authors of the road safety audit, is provided as part of the appeal.
 - The refusal by the Planning Authority is at odds with the decision to grant permission for the link road under Ref. 08/1185.
- The Board is requested to overturn the Planning Authority's decision.

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. Letters of observation have been received from Corr an Tobair Residents Association, Donagh and Siobhan Goulding, Martin McGlynn and Pauric and Emma McKeon. Each submission is summarised separately below: -

Submission by Corr an Tobair Residents Association

- Private access road
 - The initial road layout was approved under Reg. Ref. 04/1441 and this was approved for extension under Reg. Ref. 08/1185, to service adjoining lands.

At both times the neighbouring lands were zoned for residential development and not industrial.

- The proposal to access the site through a housing estate is unacceptable and poses risks to children in the estate.
- A road safety audit should have been provided with the application.
- The proposed link road from Shercock Road to Ballybay Road that the appellant references is a proposal at this point and has not been subject to detailed design, consultation with residents, or the subject of a planning application. It should have no bearing on the application.
- With reference to application Reg. Ref. 14/8004, the Planning Authority has established a precedent in respect of the inappropriateness of HGV traffic routeing through residential areas.
- Other industrial units in the area have alternative accesses and do not use the road through Corr an Tobair.
- Impact on residential occupiers
 - Public open spaces within Corr an Tobair and local walking routes are an amenity for local residents and HGV traffic would have an effect on enjoyment of these spaces.
 - Under Reg. Ref. 19/160 permission has been granted for a green area and seating within Corr an Tobair, which is in close proximity HGV route proposed.
 - The development is contrary to development plan policy regarding industry and commercial development, which requires that such development should have no adverse impact on the character or setting of the settlement or the amenity of residents.
- Noise
 - Surveys forming part of the noise assessment were not undertaken at the site and are considered to be guess work.

Submission by Donagh and Siobhan Goulding

- The road safety audit submitted with the application did not assess the impact of the development on residential property at Corr an Tobair and a soon-to-be-constructed housing development to its west.
- The junction of the private road extension and the Tobair na Carraig laneway access is dangerous and visibility is limited in this area. Recommendations within the RSA that hedges should be removed and bollards put in place, to stop two-way traffic on the lane may not be deliverable, given the lane is a right-of-way and the permission of all parties is required.
- If permission is granted, the installation of bollards should be mandatory, before construction commences.
- The development will overbear adjacent residential property. Dooleys Agri Stores and C&M Coldstores, which are referenced by the applicant, were in place before housing in the area and the context of same is different to the proposal.
- Noise generated by saws and nail guns on a continued basis will have a negative impact on residential amenity. The noise assessment did not take account of the acoustics of the area.
- The development will also give rise to pollutants and general disturbance, associated with HGV traffic.
- The link road referenced by the applicant is not a link road and was not conceived, planned or built as such. It is an extension of the Corr an Tobair estate road, for the purposes of access to the home of Con and Kathleen Goulding. It is inaccurate to state that the road allows for other uses than the residential use for which it was granted.
- There is no current need for the link road from Shercock Road to Ballybay Road, its feasibility has not been assessed, it has not been granted permission and there is no funding in place for it. It is premature to make any assumptions regarding this road proposal.
- Industry, enterprise and employment zonings in the area are inappropriate.
- The Board is requested to uphold the Planning Authority's decision.

Submission by Martin McGlynn

- The entrance to Corr an Tobair is not suitable for HGV traffic.
- The noise assessment provided as part of the application wasn't based on site-based surveys and its relevance is questioned.

Submission by Pauric and Emma McKeon

- The access road through Corr an Tobair is unsuitable for HGV traffic and allowing industrial traffic to use it is contrary to the development plan,
- Use of the road presents pedestrian and road safety concerns,
- The number of houses served by this route will increase from 23 to 74 in the future and pedestrian use will also intensify,
- Noise from an existing construction site in the area is an issue and the proposed development will increase noise levels,
- A grant of permission will set a precedent for further industrial traffic along the road.

6.4. Further Responses

6.4.1. None received.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal in detail, I consider the main planning issues to be considered are:

- Principle of development,
- Impact on residential amenity,
- Impact on Nafarty Fen pNHA,
- Access,
- Drainage,
- Appropriate assessment.

7.2. Principle of Development

- 7.2.1. The proposed development, as clarified by the applicant as part of the AI submission, consists of an industrial use, whereby end of life or broken pallets are accepted at the site and repaired for reuse within a variety of industry sectors. Storage of pallets is identified as taking place both internally and externally, with repair works (which the applicant states requires the use of saws and nail guns) taking place within the proposed building and producing residual waste that is disposed of in accordance with waste permit conditions.
- 7.2.2. The majority of the subject site falls within the 'Industry / Enterprise / Employment' zoning (the proposed development is located entirely within this zoning), where the Monaghan County Development Plan 2019-2025 identifies an objective '*to provide for new industrial, enterprise and employment generating development and to facilitate expansion of existing industrial and employment generating enterprises.*' Table 9.1 of the Development Plan states that '*a range of employment, industry and business uses*' are permitted in principle under the zoning.
- 7.2.3. I also note that development plan objective CMO 4 identifies that it is an objective to promote Carrickmacross as the key industrial centre in the south of the county.
- 7.2.4. I am satisfied that the proposed development accords with the zoning objective and also accords with objective CMO 4. In view of this, the proposed development is therefore acceptable in principle, subject to consideration of other factors discussed below.

7.3. Impact on Residential Amenity

- 7.3.1. The development includes the construction of a building with a ridge height of c.9.4m in a central part of the site. 8 No. parking spaces are identified as being provided to the front of the building and the remainder of the site is identified as being provided as a roughly level yard area. As I have outlined previously, the nature of the proposed use sees pallets stored both internally and externally and with repair work taking place within the building. The site layout drawing identifies that cut and fill would take place as part of the development, with the southern part of the site in particular being raised.
- 7.3.2. Observers have expressed concern regarding a number of aspects of the proposed development, including in relation to overbearance, noise and disturbance associated with traffic routeing through the Corr an Tobair housing estate.

- 7.3.3. I do not share the observer concerns regarding overbearance. Housing within Corr an Tobair is a minimum of c.50m from the proposed building, on land below the level of the site, and is unlikely to be materially impacted by the development. I noted on my site visit that there is new housing under construction opposite the site, on the north side of the private road, which will have a closer visual connection to the development but I am satisfied that the height and bulk of the proposed building would not result in overbearance.
- 7.3.4. No details of proposed pallet stack heights have been provided, nor is any designated storage area identified on the site layout drawing. In order to protect the amenity of adjacent residential property, should the Board decide to grant permission, I recommend a condition be attached requiring that pallets should only be stored to the rear (south) of the proposed building and that stack heights shall not exceed the ridge height of the proposed building.
- 7.3.5. Regarding noise, I note that a noise assessment was submitted as part of the AI submission, prepared by F.R. Mark & Associates Noise and Acoustic Consultants. The assessment provides an analysis of predicted noise levels from the development and impacts on housing at Corr an Tobair and the under-construction housing development to the north, predicting that, in a worst-case noise scenario, cumulative noise from all aspects of the development would not exceed daytime background noise levels.
- 7.3.6. The assessment states that background daytime noise levels at the north-adjointing housing development were not recorded because ongoing noise from construction activity at that site would have skewed the result. In this context, the night-time background noise level was used as the basis for assessment.
- 7.3.7. I have considered the noise assessment and I am satisfied that its methodology is acceptable and adequate to inform my assessment of the proposal. As the applicant states, construction noise at the adjacent site may artificially increase the background noise level in the area and, in this context, I accept as practical the use of night-time background noise levels for the assessment. The night-time background noise level is very likely to be lower than the daytime level.
- 7.3.8. The assessment identifies background noise levels of 44 L_{A90} dB (daytime) at the shared south-east boundary with the GAA grounds and 35 L_{A90} dB (night-time) at the

north site boundary. Both levels indicate a low-level noise environment, which is reflective of the edge-of-town location of the site.

- 7.3.9. The assessment predicts noise levels of 38-39dB $L_{Aeq\ 60\ minutes}$ for the nearest adjoining gardens within both the Corr an Tobair estate and the adjacent development under construction, based on the assumption of both roller doors within the building being opened and a single HGV delivery/collection within the hour. These predicted noise levels are low and, in my opinion, are shown to be not significant or unacceptable. By way of comparison, the Board's standard noise limiting condition requires a maximum noise level of 55dB $L_{Aeq\ 60\ minutes}$ during daytime hours, so the development is shown to be well below this standard maximum allowable noise level. In view of this, I am satisfied it is unlikely that noise levels from the development would have any undue or unacceptable impact on adjacent residential properties.
- 7.3.10. The Board will note that the predicted noise level is based on an assumption of 1 HGV delivery/collection per hour. It is unclear from the assessment whether the assumption is representative of the development as details of likely trip generation are not outlined by the applicant. In view of this and in order to protect adjacent residential property, should the Board decide to grant permission, I recommend the Board attach its standard noise limiting condition.
- 7.3.11. Regarding concerns over the impact on residential amenity of traffic routeing through the Corr an Tobair and Tobair na Carraig housing estates, I noted on my site visit that the estates are effectively bisected by the access road and the estates are now enclosed from the road by hedging. In addition to enclosure, the hedging provides for functional and visual separation between the estates and the road.
- 7.3.12. The access road itself provides access to housing within the Corr an Tobair and Tobair na Carraig estates, the under-construction housing development opposite the subject site, a detached house to the south-west and the Irish Water facility to the north-west, so it experiences some traffic. Whilst trip generation associated with the proposed development is not confirmed, the noise assessment indicates that typically one HGV per hour will access the site, during opening hours. In my view this level of trip generation is not significant and is not likely to have a significant or

unacceptable impact on residential amenity within Corr an Tobair and Tobair na Carraig. The road safety aspect of the development is discussed later in my report.

7.4. Impact on Nafarty Fen pNHA

- 7.4.1. Nafarty Fen pNHA (Site Code 002077) is located c.100m south of the site. NPWS records for the site indicate that it occupies an area of 3.6ha.
- 7.4.2. A Hydrogeological Risk Assessment was submitted at AI stage, prepared by McCloy Water and Environmental Consultants. The assessment identifies potential risks to groundwater quality in the area, using a source-pathway-receptor approach. It identifies the risk of fuel / chemical spillages during construction and uncontrolled run-off containing pollutants during the operation phase as 'moderate' risks. In order to mitigate the risk during construction, the report states that construction work should adhere to the Pollution Prevention Control Guidelines. For the operational phase, the report identifies that the surface water drainage system involves run-off from impermeable areas being passed through a silt trap and interceptor, prior to discharge to an infiltration area that will itself be lined and geotextiled.
- 7.4.3. In my view, the construction phase mitigation proposals are not sufficiently detailed and do not outline direct measures to ensure that accidental spillages, etc, will be contained and cleared within the site. Therefore, should the Board decide to grant permission, I recommend a condition be attached requiring the applicant to submit and agree proposals for storage and use of pollutants during construction, which should include measures to protect from the risk of pollution of surface waters in the event of an accidental spillage on the site.
- 7.4.4. I am satisfied that the surface water drainage system is adequate to prevent the discharge or suspended solids or pollutants.
- 7.4.5. Regarding the risk of disturbance of groundwater recharge, the report states that the risk of such impacts is negligible as superficial deposits at the site are likely to be in excess of 10m thick and that this affords the aquifer suitable protection. I would advise the Board that the depth of excavations and foundations for the proposed building are not outlined on the application drawings. The issue was not raised by the Planning Authority so the Board may wish to clarify this aspect of the development, as a new issue.

7.5. Access

- 7.5.1. Access proposals were amended at the AI stage and access to the site is now proposed to be taken from the access road from the R180 that routes between the Corr an Tobair and Tobair na Carraig estates and which also provides access to the under-construction housing development opposite the subject site, a detached house to the south-west and the Irish Water facility to the north-west.
- 7.5.2. In refusing permission for the development, the Planning Authority stated that the applicant failed to demonstrate to the satisfaction of the Planning Authority that the proposed development, by reason of the nature of the activities involved, and the use of an access through an established residential area, would not have a negative impact on the amenity of residential property in the vicinity (refusal reason No. 1) and that the road safety audit provided with the application did not fully assess the impact of the development on the road access from the Ballybay Road roundabout. In the absence of such assessment, the development was identified as endangering public safety by reason of traffic hazard (refusal reason No. 2).
- 7.5.3. Observers have also expressed concern regarding the proposed access route to the site, in particular that it is inappropriate to use the access road as a route to the site, that traffic routing on this road will affect residents' amenity and that the proposal presents road safety risks.
- 7.5.4. I note that a Road Safety Audit was submitted at the AI which advised against use of the lane to the south of Tobair na Carraig for a number of reasons, relating to (a) the proximity of the lane/R180 junction to the Ballybay Road roundabout, (b) the narrow width of the lane and (c) the poor configuration of the junction between the lane and the private access road through Corr an Tobair and Tobair na Carraig. I accept and agree with the RSA that the lane is unsuitable for use as part of the development for the above reasons.
- 7.5.5. Regarding the revised proposed access route, the Planning Authority states that a small portion of the road has been taken in charge and that the remainder of it is privately owned. The Planning Authority report dated 22nd November 2021 refers to a signed right of way between the applicant and road owner as having been provided as part of the AI request. This document was not provided as part of the appeal but I nevertheless note that it was provided to the Planning Authority and I am satisfied

that it indicates the applicant has the necessary consent to use the access road if permission is granted.

- 7.5.6. Regarding the proposed access route, in justifying the proposal, the authors of the RSA have provided a submission as part of the appeal, stating that the road has a 7.5m wide carriageway width over its entire length, which is wider than a standard residential road width. The submission also states that the road construction details provided as part of application Reg. Ref. 08/1185 show that the road pavement design is superior to that required for a residential road and that a RSA was provided as part of that planning application. The submission also states that condition 6(j) of Reg. Ref. 04/1441 required the submission of a RSA for the initial section of the road that was built pursuant to that permission.
- 7.5.7. The access road currently provides access to housing and limited other development in the area but its design and character are not that of a local street. The road width exceeds 11m, including the footpaths on both sides of the road, and its 7.5m carriageway width far exceeds the 5.0-5.5m width for a local street recommended by the Design Manual for Urban Roads and Streets (DMURS). Indeed, the carriageway width is wider than the 6.5-7.0m width that DMURS recommends for arterial/link streets that are frequently used by larger vehicles.
- 7.5.8. In my view the road's design is that of a link road and, in this context, I note that the development plan town map for Carrickmacross identifies an indicative new road proposal from the Ballybay Road roundabout, which follows the route of the as-constructed access road and which ultimately links to the R178 and R179, to the south. I also note that in its AI request, the Planning Authority required the applicant to demonstrate that the development would not jeopardise the progression of this new road route.
- 7.5.9. I have previously outlined that the access road effectively bisects Corr an Tobair and Tobair na Carraig and that both estates are enclosed from the road by hedging, which provides for functional and visual separation from the road. The relationship of the access road to the housing is now similar to the relationship of the housing to the R180, which adjoins both estates to the east/north-east.
- 7.5.10. Visibility splays of 2.4m 49m are identified in both directions from the site access. Achievement of the sightline to the north-east is likely to require removal of a small

amount of hedgerow on the north side of the adjacent access lane but this area is incorporated within the application site and is shown to be within the applicant's control.

- 7.5.11. In the context of the road's adequate width to accommodate larger vehicles and the functional and visual separation of the road from the adjoining housing estates, I consider the proposed access route is acceptable and is unlikely to prejudice road safety.

7.6. **Drainage**

Foul Drainage

- 7.6.1. Effluent is identified on the application form as draining to the public sewer. Irish Water was not consulted on the application but the Water Service department commented on the application, advising of the requirement to apply to Irish Water separately for connections to the public water and sewer systems.

- 7.6.2. The Planning Authority did not express any concerns regarding capacity within the foul network and there is nothing within the application or appeal documents that would lead me to question this. I therefore consider it would be unreasonable to object to the development on this basis.

Surface Water Drainage

- 7.6.3. Surface water is proposed to be drained by infiltration within the site, via infiltration trenches that requires ground raising. Run-off from impermeable areas is proposed to be passed through a silt trap and interceptor, prior to discharge to an infiltration area that will itself be lined and geotextiled.
- 7.6.4. The application includes a hydrogeological assessment which includes site investigation results and storage calculations. The Planning Authority's Roads Department commented on this aspect of the development, noting that the proposed storage volume exceeds the required storage volume.
- 7.6.5. I am satisfied that the applicant has demonstrated the site is suitable for drainage via infiltration and that the infiltration area is adequately sized to accommodate run-off from the development. Should the Board decide permission I recommend a condition be attached requiring the applicant to submit and agree the layout and specification of the system with the Planning Authority.

7.7. **Appropriate Assessment**

Appropriate Assessment Screening

Compliance with Article 6(3) of the Habitats Directive

- 7.7.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background on the Application

- 7.7.2. A screening report for Appropriate Assessment was not submitted with this appeal case. Therefore, this screening assessment has been carried de-novo.

Screening for Appropriate Assessment- Test of likely significant effects

- 7.7.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

- 7.7.4. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of the development

- 7.8. The development is described at Section 2 of this Report. In summary, permission is sought for the construction of an industrial/warehousing unit with ancillary single storey office space, new entrance gates and boundary treatments, connection to main public foul sewer, hard and soft landscaping and associated site works, on a site with a stated area of 1.06ha at Nafarty, Carrickmacross. Foul drainage is proposed to drain to the public network and surface water is proposed to drain via infiltration within the site.

European Sites

- 7.8.1. There are no designated European sites within a 15km search zone of the subject site. The closest such sites are Stabannan-Braganstown SPA (Site Code 004091) and Dundalk Bay SPA (Site Code 004026), which are both in excess of 20km from the site.

Potential impacts on European Sites

7.8.2. There are no open watercourses or drains within or adjacent to the site. The hydrogeological assessment identifies that the nearest mapped watercourse to the site is the Derryolam watercourse, which is c.340m from the site. Taken together with the considerable separation distance from the nearest European site, I am satisfied that there is no possibility of significant effects on the integrity of a European site, in view of its conservation objectives.

Screening Determination

7.8.3. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

7.8.4. This determination is based on the following:

- The absence of a drain or open watercourse from the site and the considerable separation distance between the subject site and any European site.

8.0 Recommendation

8.1. I recommend that permission be granted for the proposed development, subject to conditions as set out below.

9.0 Reasons and Considerations

Having regard to the 'Industry / Enterprise / Employment' zoning that applies to the subject site under the Monaghan County Development Plan 2019-2025, under which industrial development is permitted in principle, it is considered that, subject to compliance with the conditions below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would not prejudice road safety by reason of a traffic hazard and would, therefore, be in accordance with proper planning and sustainable development

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by additional information provided on 29th October 2021, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Storage of pallets shall be confined to the rear (South) of the approved building and stack heights shall not exceed the height of the building.</p> <p>Reason: In the interest of visual and residential amenity.</p>
3.	<p>The design and layout of the access to the site, including visibility splays, shall comply with the requirements of the planning authority and shall incorporate <i>Design Manual for Urban Roads and Streets</i> (2019) place-making principles, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of road safety.</p>
4.	<p>Prior to the commencement of development the applicant shall submit and agree proposals with the Planning Authority for the storage of hazardous or pollutant materials on the site, which shall be adequate to ensure there is no risk of contamination of groundwater in the event of spillage</p> <p>Reason: In the interest of public safety.</p>
5.	<p>Noise levels generated during the operation of the development hereby approved shall not exceed 55 dB(A) Leq,1hr when measured at the nearest occupied house.</p> <p>Reason: In order to protect the amenities of property in the vicinity.</p>

6.	<p>During the construction phase the proposed development shall comply with British Standard 5228 Noise Control on Construction and open sites Part 1, Code of practice for basic information and procedures for noise control.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
7.	<p>Public lighting shall be provided in accordance with a public lighting scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of the development.</p> <p>Reason: In the interests of amenity and public safety.</p>
8.	<p>A hard and soft landscaping strategy and boundary treatment plan shall be submitted to and agreed in writing with the planning authority, prior to commencement of the development. The development shall thereafter be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interests of visual amenity.</p>
9.	<p>The development shall not operate outside of the following hours.</p> <p>Monday-Friday 07.30-18.00hrs</p> <p>Saturdays 07.30-14.00hrs</p> <p>Reason: In the interest of residential amenity.</p>
10.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

12.	<p>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.</p> <p>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.</p>
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Barry O'Donnell
Planning Inspector

10th June 2022.