



An
Bord
Pleanála

Inspector's Report

ABP-314476-22

Development	Permission for development of a pay-to-use portable waste compactor for the acceptance of residual and food waste and a pay-to-use portable compactor for mixed dry recyclables
Location	Circle K, Monaghan Service Station, Kilnadreen, Mullamurphy, Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	22177
Applicant(s)	BIGbin Waste Tech Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	SLR Consulting Ireland.
Observer(s)	N/A.
Date of Site Inspection	25 th of July 2023.

Inspector

Stephanie Farrington

1.0 Site Location and Description

- 1.1. The appeal site, with a stated area of 1.4ha, comprises the existing Circle K filling station at Kilnadreen and Mullamurphy, Monaghan. The site is currently occupied by a Circle K service station and associated car parking areas, fuel pumps and HGV parking areas. There are existing clothing banks located to the south of the site. The Blackwater River runs along the south western boundary of the site. Access to the site is provided via 2 entrances from the N2 which forms the eastern site boundary.

2.0 Proposed Development

- 2.1. The proposed development consists of installation of 2 no. pay-to-use (PTU) portable waste compactor units on site, one for residual and food waste and one for mixed dry recyclables. The specifications of the units are illustrated on the Site Location Drawing (Scale 1:50) attached to the application cover letter. Each unit is c.2.2m high, c.1.9m wide and c.4.5m in length.
- 2.2. The waste compactor units are proposed in an open parking area to the south of the service station along the south western site boundary in the vicinity of the existing clothing bank units.

3.0 Planning Authority Decision

3.1. Decision

Monaghan County Council issued a notification of decision to grant permission for the development subject to 7 no. conditions. The following conditions are of note:

Condition no. 2 – Restricts to the duration of the permission to a period of 5 years from the date of the final grant of permission. The condition outlines that the development shall then be removed unless planning permission shall have been granted for retention for a further period.

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

Condition no. 3 – Outlines that no development shall take place until the developer has applied and received confirmation from the Local Authority of a waste authorisation (Waste Permit/Certificate of Registration) relating to the development authorised by the permission.

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

Condition no. 5 – Outlines that the area surrounding the waste compactors shall be kept free from waste at all times and shall be monitored twenty-four hours a day by on-site CCTV.

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

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (08/06/2022)

The initial planner's report recommends a request for further information. The following provides a summary of the key points raised:

- The proposal complies with the Existing Commercial zoning.
- Insufficient information is provided in respect of compliance with the Connacht- Ulster Region Waste Management Plan 2015-2-21 (Policies E22a, E22b and E23) and Policy WMP1 of the Monaghan County Development Plan 2019-2025 which seeks to implement and support the Regional Waste Management Plan.
- Existing site entrances will be used and it is considered that there is sufficient space for maneuvering vehicles associated with the development.
- There are no visual amenity concerns on the basis of the site context.
- There are no residential amenity concerns.
- In terms of Appropriate Assessment the planner's report outlines that the site is removed from any Natura 2000 sites and there are no significant pathway connectors in the vicinity.

- Further Information is recommended in respect of justification for the development and demonstration of compliance with the Regional Waste Management Plan, further details relating to management of the units and provision of additional bunding around the compactors to contain spillage and negate against impact on the River Blackwater. The applicant is also requested to respond to the points raised within the submission on the application.

Further Information Planner's Report (16/08/2022)

The report recommends a grant of permission subject to conditions. The following provides a summary of the key points raised.

- The planner's report cross refers to the recommendation of the Environmental Section to refuse permission for the development. In this regard it is stated that the proximity of the Scotch Corner Recycling centre/civic amenity site is prohibitive. In such instances the regional plan supports localised collections such as PTU systems.
- The report refers to ABP decision Mitchelstown, Co. Cork (ABP Ref: 311925-21) wherein permission was granted for PTU compactors within a service station.
- The established site is within the town and there are no adjacent residential properties.
- A temporary permission is recommended to enable the impact of the proposed development to be reassessed generally and vis a vis any changes in waste management policy during the specified period.
- A grant of permission is recommended subject to conditions.

3.2.2. Other Technical Reports

Roads Section Report (23/05/2022)

The Roads Section has no objection to visibility splays onto the road or surface water drainage subject to approval from the district engineer. No objection to the proposal is raised subject to compliance with conditions.

Road Condition Report – Monaghan Municipal District Office (23/05/2022)

No Objection.

Environmental Report (08/06/2022)

The initial Environmental Report recommends a request for further information in respect of (1) demonstration of compliance with the Connacht-Ulster Regional Waste Plan including the Policy 22a and Policy E23 and (2) submission of performance data in respect of all other PTU's that the company has installed throughout the country, including details of collection figure data in respect of residual waste capture, food waste capture and mixed dry recyclables.

Environmental Report (15/08/2022)

The report refers Policy 22a and E23 of the Connacht-Ulster Regional Waste Plan which supports the primacy of kerb side waste collection and in the absence of same recommends segregated collection facilities in Civic amenity facilities. The report outlines that the applicant's FI response does not demonstrate compliance with the Regional Waste Management Plan. A refusal of permission is recommended.

3.3. Prescribed Bodies

Transport Infrastructure Ireland:

No objection.

Inland Fisheries Ireland (23/05/2022):

The submission refers to the location of the proposed facility adjacent to the Monaghan Blackwater River. The submission outlines that the River is valuable from a fisheries perspective as it supports brown trout, lamprey species among other species. IFI recommends the addition of bunding around the compactors to contain any spillage that may occur and prevent any poor-quality discharges to the adjacent river.

Inland Fisheries Ireland (08/08/2022):

IFI recommends the addition of bunding around the compactors to contain any spillage that may occur and prevent any poor-quality discharges to the adjacent river. In the event of the development proceeding, it is the responsibility of the

applicant to ensure that works will not give rise to discharge of deleterious or polluting matters to waters.

The reference within the applicant's FI response to an AA addressing the potential impact on Lough Corrib is not of relevance to the location of the development.

3.4. Third Party Observations

3.4.1. A submission was received within the initial statutory consultation period from SLR Consulting, Dundrum Business Park. The following provides a summary of the key points raised:

- Non-compliance with waste legislation set out within the Connacht -Ulster Region Waste Management Plan and Monaghan County Development Plan.
- Insufficient Justification for the proposal
- PTU units should be installed in supervised setting. Concerns relating to environmental (including water quality) and fire risk are raised in unsupervised facilities.
- The submission refers to non-compliance of the applicant with operating conditions of Certificate of Registration at existing facilities. The submission outlines that food waste is not accepted at a number of facilities.
- Potential for improper use and illegal dumping.

3.4.2. SLR Consulting made an observation on the applicants FI response. The following key points are raised:

- The FI response contains statements which are not backed up by evidence.
- Waste management legislation discourages over-provision of residual waste collections in order to encourage high recycling rates.
- The information provided by the applicant proves that PTU's are a threat to Ireland's recycling targets and obligations. They offer a service to people that choose not to source segregate their waste and this is contrary to waste management policy and legislation.

- The submission refers to non-compliance of the applicant with COR for existing facilities.

4.0 Planning History

The following planning history relates to the site:

- PA Ref: 04/256: outline permission granted in July 2004 for construction of petrol filling station, canopy, pumps, new entrance and all associated site works.
- PA Ref: 05/89: permission granted in October 2005 for petrol filling station, canopy, pumps, forecourt, new entrance and exit from N2 (Emyvale/Monaghan), convenience shop and service yard, restaurant, associated signage, carpark and associated site works.
- PA Ref 08/1199: Permission refused in January 2009 for retention of raised ground levels and associated works on site. The reasons for refusal related to flood risk and impact on ecology.
- PA Ref: 09/387: permission granted in July 2010 for alternations and retention of alterations of development permitted under PA Ref/ 05/89 including increase in gfa of retail unit (113.5sq.m. to 361.5sq.m.) and reduction in gross restaurant floor area (361.5sq.m. to 166.9sq.m.).
- PA Ref: 2360141: Application submitted in July 2023 for permission to construct a new two-storey detached building which will incorporate a drive-through restaurant with ancillary facilities.
- The proposed drive through restaurant is located to the north of the existing Circle K petrol filling station. The area in which the proposed PTU's are located is illustrated as accommodating car parking spaces. A request for further information was issued by Monaghan County Council on the 24th of August 2023.

5.0 Policy Context

5.1. Development Plan

Monaghan County Development Plan 2019-2025

Zoning

- 5.1.1. The site is zoned for Existing Commercial purposes with an objective *“To provide for established commercial development and facilitate appropriate expansion”*. The Plan outlines that *“Principal permitted uses shall be related to the existing established commercial use on site. Redevelopment and expansion of existing commercial uses may be permitted on these lands”*.
- 5.1.2. The use Recycling/ Waste Transfer site is listed as a use which is open for consideration on lands zoned for Existing Commercial purposes.

Waste Management

- 5.1.3. Section 8.25 of the Development Plan relates to Waste Management. The following policies are of relevance:
- Policy WMP1: To implement and support the strategic objectives of the Connaught-Ulster Regional Waste Management Plan 2015-2021 and any subsequent Waste Management Plan adopted during the current plan period.
 - Policy WMP 7: To support the minimisation of waste creation and promote a practice of reduce, reuse and recycle where possible and to safeguard the environment by seeking to ensure that residual waste is disposed of appropriately.
 - Policy WMP 11: To ensure that all new waste management infrastructure is sited in accordance with the provisions of the Draft Siting Guidelines for Waste Infrastructure and any amended guidelines.

Flood Risk

- 5.1.4. The Monaghan town zoning map illustrates the appeal site within a flood risk area.

Connacht-Ulster Region Waste Management Plan 2015-2021

5.1.5. Section 9.3 relates to non-kerbside household waste options include the following Civic Amenity Sites, Bring Banks and PTU's. The Plan outlines the following in respect of PTU's:

“Pay-to-Use (PTU) waste compactor units entered the national household collection market recently, providing a popular outlet for the disposal of household residual waste, and are primarily located on garage forecourts. There is currently one PTU located in the CUR”.

5.1.6. Section 16.4.10 of the Plan relates to Collection Infrastructure. The following policies are of relevance:

- E22a: The plan supports the primacy of kerbside source segregated collection of household and commercial waste as the best method to ensure the quality of waste presented.
- E22b: The plan supports the use of authorised civic amenity facilities and bring centres as part of the integrated collection system.
- E23: In the absence of kerbside source segregated collection services and where the proximity of the civic amenity facilities and bring centres is prohibitive the plan supports localised collection solutions such as community drop-off points or pay-to-use systems subject to compliance with the household waste collection regulations.

National Planning Framework – Project Ireland 2040, DoHP&LG 2018

5.1.7. Chapter 9 of the NPF deals with Environmental and Sustainability Goals and with regard to managing waste, the Framework seeks to provide ‘Adequate capacity and systems to manage waste in an environmentally safe and sustainable manner’. It is further stated that ‘Ireland is advancing its development as a circular economy and bio economy where the value of all products, materials and resources is maintained for as long as possible and waste is significantly reduced or even eliminated.

5.1.8. National Planning Objective 56 seeks to “Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society”.

Climate Action Plan 2023

- 5.1.9. The Climate Action Plan outlines actions that are required up to 2035 and beyond, as part of Ireland's effort towards addressing climate change. The Plan implements the carbon budgets and sectoral emissions ceilings published by Government in 2022 and sets a roadmap for actions to halve emissions by 2030 and reach net zero no later than 2050.
- 5.1.10. Regarding 'waste' Section 19.9.3 outlines that Ireland has made significant progress in managing waste streams, particularly in improving recycling rates, and that a range of policy tools were successful including widespread segregation of waste, which allows for capture of recyclables and biodegradable waste. The section goes on to state that already-successful policy tools need further improvement, particularly developing better prevention strategies; improving capture rates; and reducing both contamination and the amount of non-recyclable materials.

5.2. Natural Heritage Designations

The nearest designated European sites to the appeal site, including SAC's and Special Protection Areas (SPA's) include the following:

- Eshbrack Bog NHA (001603) – 12.5km
- Mullaghmore Lake (South) pNHA (001785) - 6km
- Drumreaske Lough pNHA (001602)- 3km
- Rosefield Lake And Woodland pNHA (001784) – 5km
- Wrights Wood pNHA (001612) – 2.8km
- Glaslough pNHA-7km
- Emy Lough pNHA – 8km
- Slieve Beagh SPA (004167) – 9.5km

5.3. EIA Screening

- 5.3.1. The proposed development does not relate to a class of development which requires mandatory EIA in either Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended).

- 5.3.2. Schedule 5 Part 2 of the regulations sets out the class of developments which provide that mandatory EIA is required, and Class 11(b) is noted as follows:
- “Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this schedule”.*
- 5.3.3. The EC Guidance document ‘Interpretation of definitions of product categories of Annex I and II of the EIA Directive’ with regard to Class 11(b) refers back to a definition of ‘disposal’ cited under Class 9 of Part I. This in turn makes reference to the definition of ‘disposal’ contained in Article 3(19) of the Waste Framework Directive as follows: ‘any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy’.
- 5.3.4. While the proposal involves waste, it does not, in my opinion, involve waste disposal. The development seeks essentially to provide a temporary storage provision, while the disposal of the waste from the site will occur elsewhere following transportation off site to a waste disposal / recovery facility. The proposed development does not propose any treatment, sorting or any processing of the waste. For this reason, I do not consider that the nature of the proposed development is such that is a class of development that comes within the scope of development for which EIA is required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal has been received from SLR Consulting Ireland in respect of the notification of decision of Monaghan County Council to grant permission for the development. The following provides a summary of the grounds of appeal:

- The appeal outlines that PTU Compactors are a threat to Ireland’s recycling efforts and obligations.
- The provision of the units at the location proposed is contrary to the Connacht-Ulster Regional Waste Management Plan and therefore contrary to the provisions of the Monaghan County Development Plan.
- The appeal cross refers to the submissions made in respect of the application and the contents of same.

- The appeal focuses on an error by the Planning Authority in the interpretation of the provisions of the Regional Waste Management Plan.
- The appeal refers to the guidance set out within Section 16.4.10 of the Connacht- Ulster Region Waste Management Plan in relation to “Collection Infrastructure” which outlines that segregation at source and kerbside collection is the best method of waste collection employed in Ireland.
- The appeal cites Policies E22a, E22b and E23 of the Regional Waste Management Plan and outlines that the plan supports PTU’s *“in the absence of kerbside source segregated collection services and where the proximity of civic amenity facilities and bring centres is prohibitive”*. It is stated that this is not the case in Mullamurphy or Monaghan Town.
- The appeal outlines that all households in Monaghan town have access to kerbside waste collection with 3 waste management companies operating in the area. The appeal refers to existing Civic Amenity sites in Co. Monaghan at Scotch Corner, Monaghan Town and in Carrickmacross. These sites are fully manned and accept a wide range of recyclable wastes. The presence of both these options demonstrates that a PTU is not required in the Monaghan area.
- The appeal outlines that the Regional Waste Plan only supports PTU’s in three situations, namely,
 - In the absence of kerbside sources and
 - where proximity of the civic amenity facilities is prohibitive and
 - where the proximity of the bring centres is prohibitive
- The appeal outlines that the wording of Policy E23 states and not or. Monaghan County Council misinterpreted this policy and granted permission on the basis that one of these three conditions pertains. All three conditions must apply in accordance with Policy E23. Given the presence of kerbside collection, the first condition does not pertain. The report from the Environment Section in MCC cites non-compliance with regional policy.
- The development would contravene the Regional Waste Management Plan and the Monaghan County Development Plan. It is requested that the Board refuse permission for the development.

6.2. Applicant Response

- None.

6.3. Planning Authority Response

- None.

6.4. Observations

- None.

7.0 Assessment

7.1. Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

- Principle of the development
- Waste Management – Compliance with Policy
- Other Issues
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The proposed development relates to the placement of a pay-to-use portable waste compactor for residual waste and food waste and a pay-to-use portable waste compactor for dry recyclables within the existing parking area of the Circle K service station within the settlement boundary of Monaghan.

7.2.2. The site is zoned for Existing Commercial purposes within the Monaghan County Development Plan 2019-2025 with an objective” *To provide for established commercial development and facilitate appropriate expansion*”.

7.2.3. The proposal seeks to provide an alternative waste disposal and recycling offer to members of the public. The PTU's are located on a site which accommodates an existing service station. I refer to the application documentation which details similar PTU's established within service filling stations at various locations throughout the Country. While I will address the potential impacts associated with the proposed development further below, given the location of the site within zoned lands in the urban area of Monaghan and the nature of development established on the site, I consider the principle of the development to be acceptable at this location and in accordance with the Existing Commercial zoning objective pertaining to the site.

7.3. **Waste Management – Compliance with Policy**

7.3.1. The proposal includes the development of a small-scale waste management facility within an existing service station site. The primary grounds of appeal relates to the non-compliance of the proposal with regional and local waste policy as set out within the Monaghan County Development Plan 2019-2025 and the Connacht-Ulster Region Waste Management Plan. Such concerns are also raised within the report from the Environment Section in Monaghan County Council which recommends a refusal of permission for the development.

7.3.2. Policy WMP1 of the Monaghan County Development Plan 2019-2025 seeks: *“To implement and support the strategic objectives of the Connaught-Ulster Regional Waste Management Plan 2015-2021 and any subsequent Waste Management Plan adopted during the current plan period”*.

7.3.3. The appeal outlines that the proposal is not in accordance with the following policies of the Connacht-Ulster Region Waste Management Plan.

- E22a: The plan supports the primacy of kerbside source segregated collection of household and commercial waste as the best method to ensure the quality of waste presented.
- E22b: The plan supports the use of authorised civic amenity facilities and bring centres as part of the integrated collection system.
- E23: In the absence of kerbside source segregated collection services and where the proximity of the civic amenity facilities and bring centres is prohibitive the plan supports localised collection solutions such as community

drop-off points or pay-to-use systems subject to compliance with the household waste collection regulations.

- 7.3.4. Having regard to the small-scale nature of the proposal, I do not consider that the proposed PTU's represent a scale or format of development which would undermine the primacy of existing kerbside collection in Monaghan or the network of existing civic amenity spaces. I do not consider the proposal to be contrary to the requirements of Policies E22a or E22b of the Connacht-Ulster Region Waste Management Plan in this context.
- 7.3.5. The appeal outlines that Monaghan County Council have erred in their interpretation of the wording of Policy E23 in their decision to grant permission. The appeal refers to the wording of Policy E23 of the Region Waste Plan and outlines three conditions apply in the consideration of localised collection solutions namely: absence of kerbside collection and prohibitive location of civic amenity facilities and bring centres.
- 7.3.6. The appeal outlines that compliance with all conditions is required and Monaghan County Council misinterpreted this policy and granted permission on the basis that one of these three conditions pertains. All three conditions must apply in accordance with Policy E23.
- 7.3.7. The appeal asserts that the provision of PTU's would not be supported in Monaghan town having regard to the provision of kerbside collection (provided by 3 separate operators) and the location of civic amenity facilities at Scotch Corner. On this basis, it stated that there is no justification for the proposal and the development is contrary to Policy E23 of the Regional Waste Management Plan.
- 7.3.8. The issue of compliance with Policy WMP1 of the Monaghan County Development Plan and Policies E22a or E22b of the Connacht-Ulster Region Waste Management Plan was raised by MCC within their request for further information. The applicant's FI response outlines that the proposed PTU's are ancillary to the existing services provided in Monaghan town and seeks to work in conjunction with other providers and not in place of them. The FI response outlines that at present 15% of households within Monaghan do not avail of kerbside collection with common reasons cited including lack of service in rural areas.

- 7.3.9. The proposed compactors are operational 7 days a week giving users options for when they dispose of their waste and provides an option for low waste yield households and households who are producing surplus waste. The FI response furthermore outlines that the distance to existing Civic Amenity Facilities at Scotch Corner and Carrickmacross (at 15.5km and 43.4km respectively) is prohibitive and outlines that customers may be prohibited with regard to opening hours of existing Civic Amenity Sites.
- 7.3.10. Given the distance of existing civic amenity sites from Monaghan town I consider that these may be considered prohibitive to the population of Monaghan town. I do not consider that the proposed PTU's represent a scale or format of development which would undermine established kerb-side waste collection services in Monaghan. In such instances, the plan supports the localised collection solutions such as community drop-off points or pay-to-use systems subject to compliance with the household waste collection regulations. I am satisfied that compliance with the relevant household waste collections would be achieved by means of compliance with the Certificate of Registration.
- 7.3.11. The third-party appeal cross refers to the contents of the appellant's submissions on the application. In addition to the points raised in the appeal the submissions raise concern in relation to limited recycling undertaken within existing PCU's in operation throughout the country. The applicant's FI response outlines that while take up of recycling is limited at existing facilities that there is an aim to promote uptake of this option through pricing incentives.
- 7.3.12. I note the requirement of condition no. 2 of MCC's notification of decision to grant permission for the development which recommends a 5-year temporary permission for the proposal. I consider that this condition facilitates the assessment of the operational impact of the proposal in line with emerging waste policy and recommend its inclusion in the instance that the Board is minded to grant permission for the development.

7.4. **Other Issues**

Water Quality

- 7.4.1. The River Blackwater runs along the western boundary of the site. The site boundary is defined by dense planting. EPA mapping illustrates that the River Blackwater flows

in an eastern direction in the vicinity of the site. The ecological status of the River Blackwater in the vicinity of the site is categorised as poor on EPA mapping (Blackwater (Monaghan)-040).

- 7.4.2. I refer to the submission on file from Inland Fisheries Ireland which outlines that the Blackwater River is valuable from a fisheries perspective as it supports brown trout, lamprey species among other species. The submission from the IFI raises concern in relation the potential impact of the proposal on water quality of the adjacent river as a result of spillage and poor-quality discharges from the site.
- 7.4.3. The submission recommends the addition of bunding around the compactors in order to negate against discharges to the adjacent river. This point was raised within Monaghan County Council's request for further information. The applicant's FI response outlines that the compactor units are sealed and as such, there is no potential for leaks from the units. It is further noted that the units are to be inspected, maintained, and cleaned regularly.
- 7.4.4. Notwithstanding the applicant's FI response, I consider that there is potential for discharge from the site associated with operation and handling. I recommend the inclusion of bunding in accordance with the recommendations set out within the submission from IFI. This can be addressed by means of condition in the instance of a grant of permission.

Flood Risk

- 7.4.5. The zoning map for Monaghan town sets out within the Monaghan County Development Plan 2019-2025 illustrates that the appeal site is located within a flood risk zone. CFRAM mapping illustrates the site within Flood Zone B and C. The site is identified as being at risk from fluvial flooding.
- 7.4.6. Waste treatment is identified as less vulnerable development under Table 3.1 of the Flood Risk Management Guidelines. Less vulnerable development is listed as an appropriate use on Flood Zones B and C. I do not consider that the proposal represents a scale or format of development which would represent an unacceptable flood risk or increase flood risk within the wider area.

Environmental Impacts

- 7.4.7. The appellant's submissions on the application raise concern in relation to the provision of a waste facility within an unsupervised setting and environmental risks associated with the development. In term of supervision, I note that the applicant has confirmed that the units will be supervised by CCTV. This can be addressed by means of condition in the instance of a grant of permission.
- 7.4.8. In terms of environmental impacts, I note that the development will be subject to the requirements of a Waste Facility Permit / Certificate of Authorisation, obtained from the local authority. Such permits are only granted where the local authority is satisfied that the development will not have adverse impacts on the environment in the vicinity of the site and issues relating to the management of the site and the control of odours and other nuisances from the development would be addressed by conditions attaching to the permit.
- 7.4.9. As such, I am generally satisfied that the proposed development would not be likely to have any significant adverse impacts on the wider amenity of the area or the environment in the vicinity of the site.

Access

- 7.4.10. Access to the filling station is provided via 2 separate entrances from the N2. The N2 runs in a straight alignment in the vicinity of the site and I observe no restrictions to visibility of the existing site entrances. I consider that traffic volumes associated with the development would be limited and I consider that there is sufficient space on site for servicing associated with the proposal. I furthermore note that no objection to the principle of the proposal has been raised by the Area Engineer in Monaghan County Council.

Visual Amenity

- 7.4.11. The proposal comprises 2 no. waste compactor units. Each unit is c.2.2m high, c.1.9m wide and c.4.5m in length. In visual terms, I do not consider that the scale of the proposed development is so significant as to result in any excessively prominent or incongruent feature within this commercial site.

7.5. Appropriate Assessment

7.5.1. Compliance with Article 6(3) of the Habitats Directive

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.

No Screening report is submitted in support of the application. This assessment is therefore considered de novo.

7.5.2. Screening for Appropriate Assessment - Test of likely significant effects

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).

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 in view of the conservation objectives of those sites.

7.5.3. Submissions and Observations

The planner's report which informs the decision of Monaghan County Council to grant permission for the development outlines that: "*the site is removed from any Natura 2000 sites and there are no significant pathway connectors in the vicinity*".

The submission on file from Inland Fisheries Ireland raises concern in relation to potential impact on water quality and fish species in the adjacent River Blackwater.

7.5.4. European Sites

The development site is not located in a European site. The nearest designated site to the appeal site is the Slieve Beagh SPA 004167 / Slieve Beagh–Mullaghfad–Lisnaskea SPA UK902302 which is located at a minimum distance of 9.5km from the site.

This cross-border SPA is designated in respect of the maintenance or restoration of the favourable conservation condition of the Hen Harrier. The Hen Harrier is listed as a feature of interest of the Slieve Beagh SPA which requires a mix of forestry and open area for optimum habitat.

7.5.5. Conservation Objectives

The Conservation Objective for the SPA seeks “*To restore the favourable conservation condition of hen harrier in Slieve Beagh SPA*”.

7.5.6. Identification of Likely Effects

As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated.

In terms of indirect effects, and with regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- Habitat loss / alteration / fragmentation: The subject site lies at a remove of over 9.5km from the boundary of any designated site. As such, there shall be no direct or indirect loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- Disturbance and / or displacement of species: The site lies within the settlement boundaries of the town of Monaghan and on a developed site.
- No qualifying species or habitats of interest, for which the designated site is so designated, occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to land based species or habitats for which the identified Natura 2000 site have been designated.
- Water Quality: The proposed development relates to the placement of a pay-to-use portable waste compactor for residual waste and food waste and a pay-to-use portable waste compactor for dry recyclables within the car park area of the Circle K service station within the settlement boundary of Monaghan.
- I note the concerns raised within the submission on file from Inland Fisheries Ireland in relation to potential for impacts on water quality on the adjacent River Blackwater as a result of outfall from the site. I note that the SPA is upstream of the River Blackwater and the river is not hydrologically connected to the site.

Having regard to the above, I am generally satisfied that the potential for likely significant effects on the qualifying interests of the Slieve Beagh SPA site can be excluded given the distance to the sites, the nature of the qualifying interests of the site, nature and scale of the development and the lack of a pathway connection.

7.5.7. *Cumulative Impacts*

As there are no impacts to the Slieve Beagh SPA arising as a result of this development, there is no potential for cumulative impacts. There are no likely impacts arising from the proposed development on Natura 2000 sites and therefore cumulative impacts with other projects will not occur.

7.5.8. *Screening Determination*

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 and projects would not be likely to give rise to significant effects on European sites Slieve Beagh SPA 004167 or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore not required.

8.0 **Recommendation**

8.1. I recommend that permission is granted for the development subject to conditions.

9.0 **Reasons and Considerations**

Having regard to the location of the site within Monaghan town on lands zoned for Existing Commercial purposes, the policies and objectives of the Monaghan County Development Plan 2019-2025 and the Connacht-Ulster Region Waste Management Plan 2015-2021 and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health, would be acceptable in terms of pedestrian and traffic safety and would constitute an acceptable use at this location. The proposed development would

therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be retained and works completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 22nd day of July 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This permission shall apply for a period of five years from the date of commencement of the proposed development. The waste compactors shall then be removed unless, prior to the end of the period, planning permission shall have been granted for retention for a further period. The developer shall notify the planning authority in writing on the commencement of development.</p> <p>Reason: To enable the impact of the proposed development to be reassessed and having regard to changes in waste management policy during the specified period.</p>
3.	<p>No development on foot of this permission shall be undertaken until such time as the developer has applied for and received confirmation from the local authority of a waste authorisation (Waste Permit/Certificate of Registration) relating to the development authorised by this permission and is compliant with any conditions that may be attached to such an authorisation.</p> <p>Reason: To ensure the protection of the environment and compliance with the Waste authorisation legislation.</p>

4.	<p>All surface water generated by the proposed development shall be collected and disposed of within the site to the surface water draining system. It shall not be discharged to the adjoining properties or the public roadway.</p> <p>Reason: In the interest of orderly development.</p>
5.	<p>Prior to the commencement of development, the developer submit revised drawings for written agreement of the planning authority illustrating the provision of bunding in the vicinity of the proposed compactor units in accordance with the requirements of Inland Fisheries Ireland.</p> <p>Reason: To ensure the protection of water quality.</p>
6.	<p>The area surrounding the waste compactors shall be kept free from waste at all times and shall be monitored 24 hours a day by on-site CCTV.</p> <p>Reason: In the interests of visual amenity and public health and safety.</p>
7.	<p>No additional signs, flags, logos or other advertising material (or illumination) shall be erected or displayed on site shall be erected within the site unless authorised by a further grant of planning permission.</p> <p>Reason: In the interests of visual amenity.</p>
8.	<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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</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.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephanie Farrington
Senior Planning Inspector

18th of September 2023