



An
Bord
Pleanála

Inspector's Report ABP-314501-22

Development

South Dublin Street and Backlands Regeneration Project. The proposed development covers an area of approximately 2.72 hectares and comprises urban regeneration and public realm proposals.

Location

Properties at 7- 13 Dublin Street, lands to the rear of 1-9 The Diamond and 1-26 Dublin Street, the Courthouse car park, Lower Courthouse car park, Castle Road, and N54 Macartan (Broad) Road, townlands of Roosky and Tirkeenan, Monaghan Town Centre, Co. Monaghan.

Local Authority

Monaghan County Council.

Type of Application

Section 175 & Section 177AE
Planning Application

Prescribed Bodies

An Taisce
Heritage Council

	TII
	Department of Housing, Heritage and Local Government
Observer(s)	Eddie O’Gara Sheridan Woods Architects Annette McKenna & Marian Quigley
Date of Site Inspection	12 th December 2022
Inspector	Alaine Clarke.

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1.0 Introduction

- 1.1. Monaghan County Council is seeking approval from An Bord Pleanála to undertake an urban regeneration project in Monaghan town centre known as the South Dublin Street and Backlands Regeneration Scheme for which funding has been secured through Project Ireland 2040 – Urban Regeneration Development Fund.
- 1.2. The application is being made by Monaghan County Council pursuant to Section 175 and Section 177AE of the Planning and Development Act, 2000 (as amended). Accordingly, an Environmental Impact Assessment Report (EIAR) and Natura Impact Statement have been prepared in respect of the proposed development.
- 1.3. Before making a decision on the proposed development, the Board shall consider the EIAR, any submissions or observations and any other information relating to (i) the likely effects on the environment of the proposed development, and (ii) the likely consequences for proper planning and sustainable development in the area in which it is proposed to situate the proposed development. It should be noted that submissions were received from the Department of Housing, Local Government and Heritage, TII, An Tasice, the Heritage Council, Eddie O’Gara, Sheridan Woods Architects and one from Annette McKenna & Marian Quigley.

2.0 Proposed Development

- 2.1.1. Planning permission was sought for a regeneration scheme in Monaghan town centre. The proposal is summarised as follows:
 - The demolition of buildings and structures, including street frontage buildings No's 8-11 Dublin Street and associated outbuildings and structures; the building to the rear of No. 24 Dublin Street; partial removal of the rear section of the Northern Standard building fronting the Lower Courthouse car park; storage sheds, walls, and fencing.
 - Construction of walls and new facades/side elevations to No's 7 and 12-13 Dublin Street.
 - Creation of new urban civic spaces, streets, junctions, pedestrian pavements, steps, and cycle routes.

- Construction of new public realm comprising new surfaces, kerbing, street furniture, public street and feature lighting, soft landscape planting, cycle parking and signage.
- Clearance, regrading and creation of two potential development areas with supporting embankments, hardcore surfacing and boundary fencing.
- New boundary treatments comprising walls, railings and fencing.
- Alterations to the existing car parking layouts within the Courthouse car park and Lower Courthouse car park, and a reduction in long stay parking spaces.
- Upgrading and installation of new utility services, CCTV, and a new ESB substation.

2.2. Accompanying documents:

- The application is accompanied by the following documents:
- Environmental Impact Assessment Report (EIAR)
- Natura Impact Statement (NIS)
- Planning Statement
- Design drawings
- List of Prescribed Bodies and copies of public notices

2.3. Further Information

2.3.1. The Board sought further information (dated 13th February 2023) in relation to the proposed development and is summarised below:

- built heritage (redesign of scheme to increase pedestrianisation, retention of buildings, reduction of vehicular access, reduction in block sizes);
- protected structure (re proposal to demolish outhouse within curtilage of PS);
- Visual Impact Assessment – verifiable views and photomontages, & additional view;

- Flood Risk & Drainage – re flood alleviation measures proposed for the area, volumes of attenuation, climate change, and cross section through site showing attenuation.
- Water quality & networks – incl. submitting a drainage layout map, and existing services network layout.
- Other issues relating to traffic management & auditing.
- updated EIAR, AA & Screening report addendums, as may be necessary.

2.3.2. Following an extension of time to respond to the request for further information, a response from the applicant was received on 7th December 2023. The response includes revised drawings. An additional viewpoint to supplement the Visual Impact Assessment is submitted. Drainage and water network drawings are now submitted and a revised EIAR, with select updated chapters, is submitted. A Design and Public Realm Statement is submitted. Details and plans are included for 'future '6 no. social housing units (apartments) – although they do not form part of this application and are outside the application site.

2.3.3. The proposed amendments include the following elements:

- Development of pedestrian civic plaza, and omission of two-way vehicular traffic at Charles Gavan Duffy Place;
- Environmental improvements in alleyways;
- Construction of structural masonry walls and new gable elevation treatments to No's 7 and 12-13 Dublin Street (amended from previous submission);
- Retention of outbuilding to the rear of No. 24 Dublin Street;
- Construction of new road / street layouts and public realm comprising new surfaces, kerbing, street furniture, public street and feature lighting, soft landscape planting, cycle parking and signage (amended from previous submission);
- New boundary treatments comprising walls, railings and fencing;
- All associated site development works.

- 2.3.4. The Board considered the documentation contained significant additional information and requested the applicant to re-advertise the fact that additional information had been submitted. A copy of public notices and prescribed body notifications were subsequently received by the Board on 2nd February 2024.
- 2.3.5. Monaghan County Council has indicated that it holds title to a considerable extent of land within the boundary of the proposed development and that it is likely that it will bring forward an application to An Bord Pleanála for the compulsory purchase of the remaining lands within third party ownership at a later date.

3.0 Site Location & Description

- 3.1. The application site, measuring c.2.72ha, is located within Monaghan Town, a Tier 1, Principal Town in the Monaghan County Development Plan (MCDP) settlement hierarchy and a key regional town under the National Planning Framework. The site is located in the Town Centre, to the southeast of the town core and mainly to the rear of The Diamond and Dublin Street, and to the fore of Monaghan Shopping Centre and is defined to the southeast by the Presbyterian Church to the south at Old Cross Square.
- 3.2. The site comprises lands at No's 8-14 South Dublin Street, and lands to the rear of No's 1-9 The Diamond and No's 1-26 Dublin Street. The site is defined by the terraces of dwellings to Dublin Street to the northeast and comprises several commercial buildings and backland areas encompassing vacant land, derelict structures, storage areas and rear access points, along with large public car parks, roads, footpaths, alleyways and incidental green spaces. The Shambles River forms part of the southern site boundary, the site also extends to the junction of MaCartan Road and the L-14121/Castle Road to the south.
- 3.3. Dublin Street forms part of the N54 national road network. Vehicular access and egress is provided to the site either side of the Courthouse at Church Square. Access is also provided via the Macartan (Broad) Road – which also forms part of the N54 national road network.
- 3.4. The site lies within a Zone of Archaeological Importance and it contains Sites of Archaeological Importance. It is proximate to three Architectural Conservation Areas, and several of the buildings in the vicinity are Protected Structures and/or listed in

the National Inventory of Architectural Heritage (NIAH). The site bounds the Presbyterian Church, protected structure ref. / NIAH ref. 41303131, and graveyard to the south-east, the Church of Ireland PS ref. 41303125, and graveyard to the north and the courthouse PS ref. / NIAH ref/ 41303123 to the north-west. There are a number of archaeological monuments in the vicinity, including at the Church of Ireland site, and one on the site close to the northern site boundary - a castle, ref. MO009-060013.

- 3.5. There are a number of sensitive natural heritage sites in the wider area including Slieve Beagh SPA to the NW along with and several NHA designated lakes, bogs and woodlands, and Lough Neagh and Lough Beg SPA to the far NE in Northern Ireland.
- 3.6. The site generally falls, by c.2-3m from the north to the south towards the Shambles River and from the northwest to the southeast.

4.0 Planning History

- 4.1. Relevant and recent planning history associated with the site and immediate area are listed below. A list of planning history in the vicinity is set out in section 1.4.2.1 of the EIAR.

On site/part-site:

- ABP ref. 309071: Environmental Impact Assessment Scoping Request in respect of a public realm scheme at South Dublin Street & backlands.
- ABP ref. PL18.CH3233: Compulsory Purchase Order annulled for the provision of additional car parking facilities, together with all ancillary works.
- ABP ref. 306360-20 / MCC ref. 19/474: relates to part of the subject site. Permission refused for a mixed-use residential/commercial infill development principally on grounds relating to substandard form of development (failure to provide any car-parking) and archaeological impact (in the absence of a comprehensive Archaeological Impact Assessment) resulting in a substandard form of development.
- MCC ref. 19465: at 24 Dublin Street, permission granted for development consisting of change of use of existing 2 storey stone buildings from

residential use to commercial retail use, to include associated internal alterations, to construct an extension to the southwest facing elevation (facing the town carpark) and all associated site works

- MCC 1230003: Permission granted to create new car park area, trolley bays, bring-bank facility, re-instatement of boundary wall, fences and gates to Monaghan First Presbyterian Church.

Part 8 Developments:

- Part 8 1030801: Consent sought for environmental enhancement works on Dublin Street and The Diamond.
- Part 8 Monaghan County Council Civic Offices – construction of new civic offices and associated infrastructure to the rear of Dublin Street north. Undecided at the time of writing this report.

Adjoining sites

- Part 8 238001: Church Square, Monaghan, consent approved to provide enhancements to the existing civic space in Church Square.
- ABP 319743-24: EIA Scoping Request in respect of proposed development at Dublin Street and lands to the northeast of Dublin Street, Old Cross Square, Monaghan Town, townlands of Roosky and Tirkeenan,

5.0 Legislative and Policy Context

- 5.1. **The EU Habitats Directive (92/43/EEC):** This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).
- 5.2. **European Communities (Birds and Natural Habitats) Regulations 2011:** These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg

42(21) that where an appropriate assessment has already been carried out by a 'first' public authority for the same project (under a separate code of legislation) then a 'second' public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

5.3. **National nature conservation designations:** The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

5.4. There are several sensitive sites in the wider area including NHA designated lakes, bogs and woods. The closest European sites are listed below:

European site	Separation distance
Slieve Beagh SPA	c.10km NW
Maheraveely Marl Loughs SAC	c.12km W
Slieve Beagh-Mullaghfad-Lisnaskea SPA (NI)	c.15km
Slieve Beagh SAC (NI)	c.15km NW
Lough Neagh & Lough Beg SPA (NI)	c.39km NE (straight line) c.58km NE (aquatic)

5.5. **Planning and Development Acts 2000 (as amended):** Part XAB of the Act sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.

- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:

The likely effects on the environment.

The likely consequences for the proper planning and sustainable development of the area.

The likely significant effects on a European site.

5.6. **Planning and Development Acts 2000 (as amended):** Part X of the Act sets out the requirements for the environmental impact assessment of developments which necessitate the preparation of an EIAR.

- 175 (1) sets out the requirements for the environmental impact assessment of developments carried out by or on behalf of local authorities.
- 175 (1) requires a local authority to prepare, or cause to be prepared, an Environmental Impact Assessment Report in respect of the proposed development.
- Section 175 (2) states that a proposed development in respect of which an EIAR is required shall not be carried out unless the Board has approved it with or without modifications.

- Section 175 (3) states that where an EIAR has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval of the proposed development.
- Section 175 (6) states that before making a decision in respect of a proposed development, the Board shall consider the EIAR and any other information furnished and relating to the likely effects on the environment; the likely consequences for proper planning and sustainable development in the area; the views of any other Member State of the European Communities or a state which is a party to the Transboundary Convention to which a copy of the EIAR was sent; the report and any recommendations of the person conducting an oral hearing.
- Under Section 175(9)(a), the Board shall make its decision on the application within a reasonable period of time and may, in respect of such application:
 - (i) approve the proposed development,
 - (ii) make such modifications to the proposed development as it specifies in the approval and approve the proposed development as so modified,
 - (iii) approve, in part only, the proposed development (with or without specified modifications of it of the foregoing kind), or
 - (iv) refuse to approve the proposed development,
 and may attach to an approval under subparagraph (i), (ii) or (iii) such conditions as it considers appropriate.
- Section 175 (12) states that the Board shall have regard to the provisions of any special amenity order relating to the area; the area or part of the area is a European site or an area prescribed for the purposes of section 10(2)(c), that fact; where relevant, the policies of the Government, the Minister or any other Minister of the Government, and the provisions of this Act and regulations under this Act where relevant.

5.7. National Guidance

- 5.7.1. The **Climate Action Plan 2024** emphasises the importance local authorities to lead implementation of the Government's Town Centre First with a focus on tackling

vacancy, promoting compact growth and urban regeneration, in line with the principles of sustainable development. The role of local authorities in reducing car dependency and car parking is recognised. Road space reallocation and a sustainable approach to parking policy are considered to form key measures to both reduce unsustainable private car demand and enhance placemaking, supporting improvements in the accessibility and air quality of our urban spaces. The provision of safe and accessible walking and cycling infrastructure is key to encouraging modal shift away from private car use and towards walking and cycling. It is stated that quality walking and cycling infrastructure will be incorporated in all public infrastructure projects.

- 5.7.2. The **National Planning Framework** recognises that more compact forms of growth in the development of settlements of all sizes have the potential to bring new life and footfall, contribute to the viability of services, shops and public transport, increase housing supply and enable more people to be closer to employment and recreational opportunities, and walk or cycle more and use the car less.
- 5.7.3. Chapter 2, A New Way Forward, under the heading ‘Securing Compact & Sustainable Growth’, emphasises the importance of the ‘liveability’ or quality of life of urban places. Chapter 4, Making Stronger Urban Places, recognises that well-designed spaces can enhance urban areas, make them attractive and distinctive and desirable for living, working and visiting.
- 5.7.4. National Policy Objective (NPO) 4 seeks to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being. NPO 6 seeks to regenerate and rejuvenate cities, towns and villages of all types. NPO11 states that 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.
- 5.7.5. **Town Centre First – A Policy Approach for Irish Towns** was published by the Department of Housing, Local Government & Heritage and the Department of Rural & Community Development in February 2022. Town Centre First supports a more strategic and co-ordinated approach to the regeneration of Ireland’s town centres. It includes a particular focus on measures to tackle vacancy and dereliction, to create

more vibrant and viable places, through greater occupancy for residential purposes and to encourage more business and footfall. The policy sets out 33 Actions to progress the regeneration of towns. The Dublin Street Regeneration Plan is referenced as one of several case studies in the policy document stating, Monaghan County Council have secured URDF funding (c.€13 million) for this “comprehensive urban regeneration project for the core of Monaghan Town”.

5.8. Section 28 Ministerial Guidelines & other policy

5.8.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions, I consider the following are relevant:

- Architectural Heritage Protection Guidelines for Planning Authorities (2011)
- ‘The Planning System and Flood Risk Management’ (2009)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Cycle Design Manual (2023)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- Places for People: National Policy on Architecture (2022).

5.9. Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032

5.9.1. This strategy provides a high-level development framework for the Northern and Western Region that supports the implementation of the National Planning Framework (NPF) and the relevant economic policies and objectives of Government. It is a Regional Policy Objective (R.P.O.) 3.1 to develop urban places of regional-scale through:

- Delivering on the population targets for the Metropolitan and Regional Growth Centres through compact growth:

- Delivering significant compact growth in Key Towns; and
- Developing derelict and underutilised sites, with an initial focus within town cores.

5.9.2. Monaghan is identified as a Key Town and one of the key future priorities is to deliver 20% of projected growth through regeneration and renewal of a significant area of the town centre; targeting population growth at delivery of compact growth, support sustainable travel and smart travel initiatives set out in the Monaghan Land Use and Transportation Study (MLUTS).

5.9.3. Relevant objectives include:

- RPO 3.9 Identify suitable development opportunities for regeneration and development that are supported by a quality site selection process that also addresses environmental constraints and opportunities.
- RPO 6.29, .30 and 6.31 in particular focus on walking, cycling, public transport accessibility and permeability in town centres.
- RPO 7.20 Increase population living within settlements, through a range of measures including area or site-based regeneration....

5.10. **Monaghan County Development Plan 2019-2025**

5.10.1. The operative development plan is the Monaghan County Development Plan 2019-2025 (MCDP). The site is located in Monaghan town, a Tier 1, Key Town, within the Monaghan town centre boundary and is zoned for 'town centre' use. Part of the site is identified as being within a 'Local Area Action Plan' (see map MDP1) and the South Dublin Street and Backland Regeneration Plan (2017) provides the framework for the regeneration of these lands and is incorporated at Appendix 20 to the MCDP. The site abuts another area to the north of Dublin Street which is also identified as a 'Local Area Action Plan' area.

5.10.2. The following appendices to the MCDP are relevant:

- Appendix 1: Strategic Flood Risk Assessment
- Appendix 17a – Monaghan walking and cycling strategy - future pedestrian / cycling link.

- Appendix 19 – Local Area Action Plan - Lands to the North East of Dublin Street, Monaghan.
- Appendix 20 – Dublin Street Regeneration Plan

5.10.3. The following variations are relevant:

- Variation no. 3: Adoption of Dublin Street North Regeneration Plan and some minor amendments to the MCDP including amendment of Policy Objective 29, which states:- *“To improve the pedestrian environment along Dublin Street.* Also includes for minor amendments to the MCDP including reference to the Monaghan Land Use and Transportation Study (MLUTS) 2019-2035.
- Variation no. 4: adoption of the Roosky Lands Master Plan and some minor amendments to the Development Plan.
- Variation no. 5: which includes an updated zoning map for Monaghan town and details ‘indicative new road proposals’ and ‘proposed road upgrades’.

5.10.4. The following objectives and policies of the MCDP are relevant:

Chapter 4: Economic Development

- (Retail related)
 - RTP 7 To encourage reuse of derelict sites and vacant town centre commercial premises for alternative uses and adopt a flexible approach to reoccupation;
 - RTP 10: improve public realm of urban centres;
 - RTP 12: improve accessibility of town centres.

Chapter 5 Community

- (Cycling and walking related) CFP 11 To promote and facilitate the development of walkways, cycleways and recreational routes...

Chapter 6 Heritage, Conservation & Landscape

- (Landscape related): HLP 8 - preserve County’s landscapes and have regard to the Co. Monaghan Landscape Character Assessment.
- Section 6.11 deals with Areas of Primary and Secondary Amenity, and Scenic Routes/Views.

- (Natura 2000 sites): HLP 13 and HLP 15 –re. compliance with “Appropriate Assessment of Plans and Projects in Ireland- Guidance for Planning Authorities 2010”
- (Invasive species): ISP 1: ensure that development proposals do not lead to the spread of invasive species.
- (Protected Structure related) BHP 1-3, BHP 5-8 regarding protection and sympathetic reuse of protected structures and their settings.
- (ACA related) ACP 2 To resist development that would adversely affect the character and appearance of the ACA. New development or alterations to existing building(s) in an ACA shall reflect the historic architecture in terms of scale, design and materials used...
- (Designating ACAs): Table 6.9 ACAs, Monaghan Town including:
 - Dublin Street ACA (No's 15,31-50, 58, 59, 63, 64)
 - The Diamond
 - Church Square
- (Protected Monuments related) PMP1- 4 regarding protection of monuments and their settings.

Chapter 7 Transport & Infrastructure

- (Transport related):
 - TP1-2 support national policy and promote choice of transport;
 - NNRP 6 To relieve traffic congestion and .. to improve traffic management and access in and around urban centres.
 - Table 7.5 and zoning maps for town identify strategic new routes in each town that would facilitate development and relieve town centre congestion (none identified through site).
 - CWP 4 - encourage the provision of bicycle infrastructure and make provisions for such infrastructure in new developments.

Chapter 8 Environment, Energy & Climate Change

- (Climate change related) CCP 3 – promotes re-use of brownfield lands that consolidate existing settlements.
- (Flooding related):

- CCP4 - ensure new development is appropriately located, so as not to be exposed to risk of flooding;
- FMP 2, FMP3 & FLP 2: restrict development where necessary, requires a site-specific Flood Risk Assessment on sites identified as being at risk in accordance with the Flood Risk Management Guidelines.

Chapter 9 Strategic Objectives for settlements Plans

- Strategic objectives SSO 2 (basis for investment), SSO 4 (attract investment), SSO 6 (protect and enhance heritage), SSO7 (provide public places),
- SSO 11 - Promote sustainable compact development forms, including more comprehensive backland development where appropriate and promote the efficient use of available public infrastructure and services.
- SSO17 - Promote the regeneration of the back lands of the towns as well as appropriate development on infill sites, derelict sites, vacant plots and brownfield sites.
- Zoning: Table 9.1 Land use Zoning Categories/Objectives
Town Centre: To provide, protect and enhance town centre facilities and promote town centre strengthening. Principal permitted land use will be town centre related uses including retail, residential, commercial, social uses, cultural uses, medical/health uses, hotels, pubs, restaurants and other similar type uses.
- (Regarding Objectives for Town Centre)
 - TCO 1 - encourage the refurbishment, renewal and re-use of existing buildings and derelict sites,
 - TCO 9 - accommodate the regeneration of back lands in the towns where appropriate, including the construction of new urban streets to provide access to inaccessible lands.
- (Natural and built heritage) SNO 9-12 Protect and conserve the streetscape character, architectural quality and heritage of the towns; encourage refurbishment, respect form, preserve features.

Chapter 10 - Settlement Plan for Monaghan Town 2019-2025

- MPO 2 - all new development in the Dublin Street regeneration area and its associated backlands to have regard to the Dublin Street Regeneration Plan.
- MPO 4 - to encourage new developments which refurbish existing building and back lands in order to eliminate dereliction and reinforce the town centre.
- Section 10.8.1 Monaghan Land Use & Transportation Study (MLUTS) sets out the transport and land use options for the town to cover the period of this development plan and beyond, listing new road proposal for Monaghan town, and reflected on Map MDP1.

Chapter 15 – Development Management Standards

- (Public Realm) UDP 1 To promote the development of backland and infill sites and the reuse and regeneration of brownfield sites within the urban areas.
- (ACAs and historic streetscape) ACAP 1: ensure that proposals within Architectural Conservation Areas or within a historic traditional streetscape complies with the principles and guidance as set out in development management guidance.

5.11. Appendix 20 – Dublin Street Regeneration Plan (titled ‘Draft 22.05.17’)

5.11.1. This plan, hereafter referred to as the **Regeneration Plan**, was prepared by Sheridan Woods, Architects & Urban Planners, on behalf of Monaghan County Council; its purpose is to “provide guidance on the regeneration options” for the future development of the area. The Dublin Street regeneration area overlaps to a large extent with the site boundary of the proposed development, though it excludes the southern-most car park area along the River Shambles.

5.11.2. The stated vision of the Regeneration Plan is as follows:

“Dublin Street together with its backlands offers a unique opportunity to create a new and viable town centre quarter, with the potential to accommodate additional shopping, office, cultural, residential and new employment zone. It offers the opportunity to address the weaknesses of the area and to maximise its strengths; to enhance pedestrian and vehicular movement, to enhance the

existing built heritage; to integrate with the historic streetscape in a manner that is both contemporary and forward looking while complimenting the built heritage; to create an integrated and commercially robust, viable proposal, and a vibrant and sustainable new urban quarter in Monagan.”

The vision in the long term is to allow the existing urban fabric to regenerate through adaptation, conversion and infill developments, and through the development of new urban blocks. It is envisaged that the new developments of the backland area would present a new façade that will give identity to the new regenerated Dublin Street Quarter.

5.11.3. It is recommended that the emphasis should be given to the physical and spatial quality of both the streets and spaces, ensuring that the demands of vehicles for movement, access, deliveries and emergencies do not compromise the creation of an urban quarter which encourages people to walk and cycle.

5.11.4. A hierarchy of streets and spaces are proposed within the plan area, and minor modifications to the street layout of the adjoining area are proposed:

- *“A new street and public space is proposed to connect Dublin Street to the backland area (Charles Gavin Duffy Place). The new street is formed by the demolition of existing structures to form a new opening in the street that is sufficiently wide to create a space that accommodates two-way vehicular traffic and a pedestrian space. The edges of the street are to be created by infill development and the gables of existing structures. The space will be defined to the north east by the existing structures on Dublin Street. It is proposed that this space will be dedicated to Charles Gavan Duffy and will be called Charles Gavan Duffy Place, ... The space will benefit from a southerly orientation, and will increase light onto Dublin Street, as well as improving vehicular and pedestrian connections to the backlands.*
- *A mews lane subdividing the long rear plots is proposed. It will form a new large development site to the south, and mews sites to the rear of Dublin Street. It is proposed that this street is named Church Walk...*
- *A formal street is proposed to the rear, generally in line with the existing road to the rear, adjoining the existing surface car park. The roadway is realigned to create a promenade along the rear of the site. It is proposed that this street*

will be called The Mall and it will extend to the entrance area of the Shopping Centre....

- *A realigned road is proposed from The Broad Road to The Mall. It is proposed that public realm improvements are carried out. A major urban landmark sign and a series of light and signage standards with planning is proposed to define the edges of the road, and can be utilised to advertise special events. This will further enhance the views of the town as viewed from The Broad Road. It is proposed to call the road Farney Road...*
- *It is proposed to redefine the space to the rear and side of the courthouse as a new major public space, and to provide high quality landscaping, with potential covered areas that will accommodate car parking, a farmer's market and possible event space....*
- *It is proposed that the Courthouse Square will be defined by the rear / side façade of the courthouse, the boundary to the church, and a new linear building to the east....*
- Two different development options are presented for the central part of the area, to the rear of Dublin Street; incremental piece-meal development or full urban block development.

5.11.5. Section 5 of the Regeneration Plan contains development objectives under the following headings:

- Key Urban Design Objectives
- Key Urban Structure Objectives
- Public Realm Objectives
- Key Urban Form Building Height Objectives
- Key Architectural Design Objectives
- Key Security Objectives

Of particular relevance:

- Create an urban structure which facilitates convenient pedestrian access to facilities and services.

- Promote the development of a legible urban structure with a well-defined network of routes and spaces for pedestrian, cyclist and vehicular movement.
- Create new routes, for pedestrian, cyclist and vehicular movement, which contribute to ease of movement and connect existing and new spaces; Gavan Duffy Place, Church Walk, The Mall, and Courthouse Square.
- Ensure that the public realm is characterised by high quality materials such as paving, street furniture, lighting and planting.
- Provide positive interaction between spaces and the built form, e.g. building frontages, windows and entrances should face onto and overlook the street and public spaces.
- Ensure that new development positively address exiting historic structures,...

5.12. Deletion of Number 10 Dublin Street from the Record of Protected Structures for County Monaghan

5.12.1. Monaghan County Council made a deletion from the Record of Protected Structures for County Monaghan on the 10th May 2021 in respect of No. 10 Dublin Street, Monaghan Town – birthplace of Charles Gavan Duffy (RPS Reference 41001071). An Architectural Heritage Impact Assessment by Consarc Conservation (May 2020) was included with the public display documentation.

5.13. MCC Climate Change Adaptation Strategy 2019-2024

5.13.1. The Monaghan County Council climate change adaptation strategy includes the following objective:

- G3 Landuse and Development: 5.Promote the regeneration of town and village centres and support property owners in the reuse/repurposing of existing buildings and densification of town centres

6.0 Consultations

6.1. The application was circulated to the following bodies:

- Department of Housing, Local Government and Heritage

- Inland Fisheries Ireland
- The Heritage Council
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce
- Transport Infrastructure Ireland
- Irish Water
- OPW

Responses were received from TII, An Taisce, The Heritage Council and the Minister for Housing, Heritage and Local Government, specifically from the Development Applications Unit. Summaries of submissions are presented below.

6.1.1. TII (dated Sept. 2022 & Feb. 2024)

- Notes the site accesses the existing N54 National Road. Notes the proposal for a raised table at the location of the proposed Gavin Duffy Place. The N54 must continue to support the function of facilitating strategic traffic including heavy commercial vehicles.
- The development should be undertaken in accordance with the Design Report and Road Safety Audit submitted with the application, and with TII standards and DMURS principles.
- Submission dated February 2024 advises that the contents of the Authority's earlier submission still apply.

6.1.2. Department of Housing, Heritage and Local Government

- The proposal would remove structures that are within the curtilage of an adjoining protected structure which was allocated significant funding under the Historic Town Initiative (HTI) funding for conservation works on Dublin Street.

- States the Dublin Street Regeneration Plan did not envisage building demolition or the provision of town-centre car parking space at the scale proposed.
- References 'Housing for All' regarding compact growth and where in urban centres, walking and cycling will become the dominant form of mobility, and the importance of cultural heritage for well-being and sense of place as recognised in the Town Centre First Policy.
- Raise concern regarding the number of buildings proposed for removal; the loss of fine grain of historic centre in order to achieve extensive surface parking would not have a positive impact on the cultural significance of the place, the urban form and the coherence of the town.
- Suggest further information could be sought to:
 - Describe the re-making/repairing of the street-fronted buildings referencing the qualities and characteristics of traditionally constructed buildings of Irish towns;
 - Alternative approaches informed by examples;
- Includes extract from Wikipedia on the Monaghan town layout and architecture.

6.1.3. An Taisce

- The EIAR fails to properly identify or mitigate the multiple adverse impacts of the proposal.
- The EIAR fails to consider alternative design options for the removal of the four buildings on Dublin Street;
- The need for a new road [Gavan Duffy Place] is not justified, access can be gained from Macartan Road;
- A claim on modal shift is unjustified; vehicle movement will increase in the town centre;
- Impact on visual receptors in Dublin not properly assessed; which are considered to be 'high' or 'major';

- Demolition works to create a new road would leave a gash in the street, failing to create a space of character;
- The significance of no. 10 Dublin Street is not properly addressed. The proposal to demolish buildings and creation of new road is contrary to the character of the ACA; questions a number of 'claims' made in the Architectural Heritage Impact Assessment, including statements in the 2020 Consarc AHIA in respect of the removal of no. 10 Dublin Street from the RPS.
- The proposal is incompatible with the Climate Action Plan.
- Includes copy of response to ABP regarding EIAR scoping and Wikipedia extract on Charles Gavan Duffy.

6.1.4. The Heritage Council

Raise several concerns, as follows:

- Appraisal of built heritage:
 - describing the attributes of the streetscape and character of the Dublin Street ACA, recommends the proposal is significantly altered to conform to established street pattern.
 - Demolition proposals will affect historic setting and character of the Dublin Street ACA;
 - Rear elevations of buildings can be as interesting as formal frontages.
- Heritage Council Funding:
 - The proposal is in conflict with an historic building conservation project that is currently underway in Dublin Street.
- Town Centre First:
 - National policy to value, promote and enhance the cultural uniqueness and identity of historic towns and town centres.
- Sheridan Woods Regeneration Plan:
 - The EIAR lacks details on how the design rationale was informed by the regeneration plan and its detailed objectives, i.e. proposal does not

have any active frontage on proposed Gavan Duffy Place. Incomplete elevations. Delivery of active ground floor is lacking.

- Consider Climate Action Plan
 - The EIAR makes no reference to the Climate Action Plan 2021. The proposed scheme is contrary to the Climate Action Plan.
- Place for People (2022)
 - The EIAR makes no reference to the above national policy on architecture. Fails to address built heritage, fails to deliver an enhanced public realm; failed to involve appropriate disciplines; fails to include a Heritage Impact Assessment prior to demolition of streetscape.
- Other
 - Need for Architectural Conservation Office and Built Architect in MCC to inform the proposal;
 - There is a need for the proposal to be informed by a detailed design statement, design palette and an urban design panel;
 - The success of Historic Towns Initiative investment in Dublin Street requires the residential amenity of areas adjoining and in the vicinity of where people intend to live to be protected and enhanced.
 - Considers the outbuildings of no. 24 Dublin Street are a constituent part of the overall protected structure and its setting and should not be demolished.
 - The cultural value and significance of former protected structure and birthplace of Charles Gavan Duffy is not included in the EIAR.
 - Scheme is a modern car-focused proposal. The provision of further car-parking must be questioned. Consider re-use of existing buildings and spaces.

6.2. **Public Submissions:**

6.2.1. Sheridan Woods Architects & Urban Planners Ltd

Indicate that they are the authors of the Dublin Street South Regeneration Plan and object to the proposed development on the following grounds:

- Scheme prioritises vehicular traffic; represent a crude roads layout only;
- No value given to heritage of the town, referencing loss of outbuildings to the rear of Sheery's Public House, and opportunities to create high quality public realm and civic spaces;
- The loss of the birthplace of Charles Gavin Duffy has not been justified; a high-quality civic space has not materialised;
- No real consideration of laneways to Dublin Street; detailed design relating to these laneways are absent;
- Request application is refused or seek further information. Copy of observation submitted to Monaghan County Council is enclosed.

6.2.2. Eddie O'Gara and on behalf of Love Monaghan Save Dublin Street

- Requests an oral hearing as spokesperson for the group.

A lengthy written and graphically represented submission raising the following principal points:

- EIAR
 - Failure to consider alternatives, in particular regarding demolition of buildings;
 - Fails to capture responses to public consultation, in particular regarding demolition concerns and fails to reference 'Love Monaghan Save Dublin Street';
 - No vehicle transport need to create a new access road off Dublin Street to access the site;
 - Proposal will discourage people from walking and cycling;
 - Proposed cycleway along Farney Road is not connected, requiring cyclists to pass over a dangerous 3 lane junction; also results in loss of green infrastructure – resulting in visual prominence of Tesco rear boundary wall. Prioritises vehicle movement;

- As a Chartered Landscape Architect, he contests that the Townscape Character and Visual Impact Assessment has been carried out in line with the methodology, queries the viewpoints and findings of the VIA.
- The Architectural Heritage chapter is based on a 2020 Architectural Heritage Impact Assessment which predated the detailed drawings.
- Climate Change
 - The proposal is not in keeping with the Climate Action Plan, does not support national climate objectives and is at odds with the MCC Climate Change Adaptation Strategy; it allows for an increased dominance of car traffic; need to encourage the '10 minute town' concept.
- General
 - Backland development is a discouragement to investment as retail opportunity continues to move away from the historic core; A retail impact assessment should be undertaken;
 - Hopes no residential development considered due to lack of amenities;
 - Proposal will create a hostile environment and not lead to a modal shift;
 - Will sever pedestrian priority on Dublin Street and will increase congestion in the area;
 - Proposal contradicts Monaghan land use and transportation study; LUTS does not suggest that additional road capacity should be created;
 - Proposal contravenes the National Biodiversity Action Plan and results in significant loss of green infrastructure adjacent to watercourse. Re Shambles Way – plans ignore the opportunity to develop a high quality connection to the river
 - Proposal will contravene Monaghan TO objective MP04 regarding refurbishing existing building and backlands to reinforce the town centre.
 - Courthouse Square is simply a town car park;
 - Gavan Duffy Place is simply an access road;
 - Building line on Dublin Street will be destroyed;

- Raises sustainability concerns and longevity concerns of trees in planters;
- Proposed level surface should be reviewed with mobility groups;
- Questions proposal that Gavan Duffy Place will become a location for events and markets, when other superior locations exist;
- Recommendations include:
 - Retain, restore and regenerate the 4 no. buildings on Dublin Street;
 - The proposed road through Gavan Duffy place should not be built;
 - Those living in the town require high quality open space.

6.2.3. Annette McKenna & Marian Quigley (following the submission of the Response to the Request or Further Information):

- Contest demolition of buildings 9-10 in Dublin Street, will destroy 3 businesses resulting in businesses being lost; the street will lose footfall, plaza will be of no benefit.

6.2.4. RPS, on behalf of the applicant, responded to the submissions received in respect of the significant further information i.e. from TII and Annette McKenna & Marian Quigley. Nothing new presents and policy support for the scheme is re-iterated.

7.0 **Assessment**

7.1. Having regard to the requirements of the Planning and Development Act, 2000 (as amended), this assessment is divided into three main parts:

- The likely consequences for the proper planning and sustainable development of the area;
- The likely effects on the environment (environmental impact assessment);
- The likely significant effects on a European site (appropriate assessment).

7.2. In each assessment, where necessary, reference is made to issues raised by all parties. There is an inevitable overlap between the assessments, for example, with matters raised falling within both the planning assessment and the environmental impact assessment. In the interest of brevity, matters are not repeated but such overlaps are indicated in subsequent sections of the report.

8.0 The likely consequences for the proper planning and sustainable development of the area

In my opinion, the main issues to be addressed under this section are as follows:

- Compliance with National, Regional and Local Policy;
- Archaeology and Built Heritage;
- Public Realm and Design;
- Transport and Movement.

8.1. Compliance with National, Regional and Local Policy

- 8.1.1. At a strategic level, the National Planning Framework recognises that urban places offer a range of opportunities for community and social interaction but must become more liveable to improve quality of life. The proposal can be viewed as enabling the development of backlands immediately adjoining the town centre while facilitating the creation of streets connecting Dublin Street to the north with the existing shopping centre, located to the south-west.
- 8.1.2. The proposal will also contribute to the overarching aims of the NPF to promote compact and sustainable growth, sustainable mobility and enhanced amenity and heritage. National Policy Objectives 4, 6 and 11 are relevant in this regard and are set out in section 5.7.1 above.
- 8.1.3. The Dublin Street Regeneration Plan is referenced as a case study in national policy 'Town Centre First – A Policy Approach for Irish Towns' which supports a more strategic and co-ordinated approach to the regeneration of Ireland's town centres and in recognition of the funding Monaghan County Council has secured under the Urban and Rural regeneration Fund (URDF).
- 8.1.4. The Climate Action Plan 2024 supports the implementation of the Government's Town Centre First and urban regeneration; road space reallocation and the provision of safe and accessible walking and cycling infrastructure is key to encouraging modal shift away from private car use and towards walking and cycling.
- 8.1.5. Regional Policy Objective (RPO) 3.1 of the Regional Spatial and Economic Strategy seeks to deliver compact growth and develop derelict and underutilised sites, with an

initial focus within town cores. RPO 7.20 seeks to increase population living within settlements, through a range of measures including re-use of existing buildings, infill development schemes, area or site-based regeneration and service site provision, while RPO 6.29, 6.30 and 6.31 in particular focus on walking, cycling, public transport accessibility and permeability in town centres. The proposed development will contribute to delivering compact growth, increased opportunities for walking, cycling and permeability.

8.1.6. Specifically, the RSES supports sustainable travel and smart travel initiatives set out in the Monaghan Land Use and Transportation Study (MULTS). The Monaghan County Development Plan (MCDP), as varied (Variation no. 3), provides for recognition of the MULTS. The MULTS supports the implementation of the Dublin Street Regeneration Plan. Traffic modelling informs the MLUTS and was based on several scenarios including the development of the Dublin Street Regeneration Plan lands. The route mapping options do not specifically provide for a vehicular route from Dublin Street to/from Macartan Road – as originally proposed in this application. The MLUTS includes a walking and cycling network and includes Figure 8.2. Existing and Proposed Cycle Routes. A proposed pedestrian and cycling route is indicated from Macartan Street to Church Square alongside the Court House. While a specific pedestrian/cycle route from Dublin Street via the proposed Charles Gavan Duffy Place to Macartan Road is not identified, the importance in providing a high-quality pedestrian, cycling and public transport network in the town is recognised.

8.1.7. The site is zoned 'town centre' in the Monaghan County Development Plan (MCDP) 2019-2025, the stated objective of which is to provide, protect and enhance town centre facilities and promote town centre strengthening. According to the MCDP, the principle permitted land use will be town centre related uses including retail, residential, commercial, social uses, cultural uses, medical/health uses, hotels, pubs, restaurants and other similar type uses. A 'Car Park' and 'Public Infrastructure Project' are 'open for consideration' on 'Town Centre' zoned lands according to the Development Zoning Matrix. The proposed development will strengthen the town centre and should, upon delivery of the project in the whole, enhance the town centre. I am satisfied that the proposed development complies with the zoning objective.

- 8.1.8. Appendix 20 of the MCDP comprises the Dublin Street Regeneration Plan which sets out the development vision for the area. Save for the area comprising the south-eastern carpark on the development site, the regeneration plan area largely coincides with the development site area. The Regeneration Plan provides guidance on the future development of the area. Specific objectives to Monaghan town centre include MPO 2, that all new development in the Dublin Street regeneration area and its associated backlands has regard to the regeneration strategy and development objectives of the Dublin Street Regeneration Plan and, Objective MPO 4, to encourage new developments which refurbish existing building and back lands in order to eliminate dereliction and reinforce the town centre.
- 8.1.9. The development strategy of the Dublin Street Regeneration Plan supports a hierarchy of proposed streets and spaces within the plan area, and minor modifications to the street layout of the adjoining area are proposed, labelled a, b, c, etc for ease of reference. The plan details potential development capacity of floorspace. Three new streets and spaces, supporting a mix of uses, are proposed as follows:
- a. A new street and public space is proposed to connect Dublin Street to the backland area (Charles Gavin Duffy Place). The new street is formed by the demolition of existing structures to form a new opening in the street that is sufficiently wide to create a space that accommodates two-way vehicular traffic and a pedestrian space. The edges of the street are to be created by future infill development and the gables of existing structures. The space will be defined to the north-east by the existing structures on Dublin Street.
 - b. A mews lane subdividing the long rear plots is proposed. It will form a new large development site to the south, and mews sites to the rear of Dublin Street. It is proposed that this street is named Church Walk. The stated objective is to facilitate a connection from the proposed Charles Gavan Duffy Place to the rear of the Courthouse (Courthouse Square) and provide access to the south of the existing plots of Dublin Street.
 - c. A formal street is proposed, called The Mall, running east west generally in line with the existing road extending to the entrance of the Shopping Centre

and adjoining the existing surface car park, which it is stated will enhance pedestrian access between the existing shopping centre and Dublin Street.

8.1.10. The development strategy also proposes, inter-alia, the following:

- d. a realigned road, to be called Farney Road, from The Broad Road (also known as Macartan Road) to The Mall, with public realm improvements,
- e. a redefined space to the rear and side of the courthouse as a new major public space, Courthouse Square, with high quality landscaping, with potential covered areas that will accommodate car parking, a farmer's market and possible event space,
- f. the Courthouse Square will be defined by the rear / side façade of the courthouse, the boundary to the church, and a new linear building to the east;
- g. Two development blocks are proposed:
 - Block to the east:

Extends from The Diamond to the proposed Charles Gavan Duffy Place and is defined by Dublin Street to the north and the proposed Church Walk mews lane to the rear. The plan notes that the rear of the site may be appropriate for new mews development at the rear. Through routes, semi-private space and commercial outdoor space can be considered.
 - Block to the south west:

Extends from the proposed Gavan Duffy Place to the grounds of the Presbyterian Church and is defined by Dublin Street to the north east, and the proposed realigned road to the south west, The Mall. There is potential for wider well landscaped courtyard spaces.
- h. The area to the rear facing The Mall could develop as a linear building, with suggested access in the form of shared surface road.
- i. Two different development options are presented for the central part of the regeneration area, to the rear of Dublin Street; incremental piece-meal development or full urban block development.

- 8.1.11. In my opinion, the proposed scheme is based on the Regeneration Plan and I am satisfied therefore that the proposed development has regard to the Regeneration Plan, and to this extent complies with Objective MPO 2 of the MCDP – to have regard to the provisions of the Regeneration Plan. The proposal provides for the three principal streets envisaged in the Plan – the Charles Gavan Duffy Place, Church Walk and The Mall. The Plan envisages that buildings on Dublin Street will be demolished to deliver Charles Gavan Duffy Place, one of which is no. 10 Dublin Street. Other significant elements of the Plan are to be delivered in the current proposal i.e., realigned road to be called Farney Road, from The Broad Road (also known as Macartan Road) to The Mall, with public realm improvements; and, a redefined space to the rear and side of the courthouse. Furthermore, the proposal provides for the delivery of future development as provision is made for ‘development blocks’ in the central area and alongside new streets and spaces, such as to front the Charles Gavan Duffy Place and improved pedestrian passageways connecting the backlands to Dublin Street.
- 8.1.12. With regard to the detail of the proposed development, as envisaged by the Regeneration Plan, much of this is lacking in the proposed scheme, as no buildings are proposed as part of the current proposal. The mix of uses, fine urban grain detail, sense of character envisaged in the Regeneration Plan cannot be achieved under the current proposal and is left over to be designed at a later stage.
- 8.1.13. A deviation from the Regeneration Plan is now proposed where the Plan envisaged a two-way vehicular street through the proposed Charles Gavan Duffy Place. The scheme, as originally presented to the Board provided for two-way vehicular street, however, following concerns raised in the submissions (discussed below) and having regard to the suite of national policy published since the adoption of the Regeneration Plan, such as Climate Action Plan and Town Centre First Policy which seeks to prioritise a modal shift from car dependency to active modes of transport, the scheme was revised to omit the two-way vehicular route onto Dublin Street via the proposed Charles Gavan Duffy Place/street which it is proposed will be pedestrian only, save for deliveries. I am satisfied that sufficient regard has been had of the Regeneration Plan in this regard, which is “guidance” document for future development. The amendments to the scheme, principally, the omission of a two-way route through the site, meets the requirements of the National Planning

Framework, the Climate Action Plan, the Town Centre First Policy, DMURS and the more recent Sustainable and Compact Settlements Guidelines for Planning Authorities which all encourage transition to a low carbon and climate resilient society.

- 8.1.14. At a local level, while the Regeneration Plan provides for two-way vehicular route in the future development of this area as part of the overall objective in relation to the delivery of Charles Gavan Duffy Place, the MCDP at section 10.8.1 and Map MDP1, as varied, specifies the new road proposals for Monaghan Town and a vehicular link road from Dublin Street to Macartan Road is not identified as a new road proposal. I am therefore satisfied that the omission of a two-way vehicular road is not detrimental or contrary to the broad objective of the Regeneration Plan to provide a new street and public space to connect Dublin Street to the backland area (Charles Gavin Duffy Place). Elsewhere, the MCDP seeks to promote and facilitate the use of cycling and walking as alternative sustainable modes of transport (see policies and objectives CFP 11, TP1-2, NNRP 6 and CWP 4 referenced in section 6.0 of this report) and the proposed development will assist in achieving these objectives.
- 8.1.15. It is arguable that the proposed development complies with Objective MPO 4 of the MCDP - to encourage new development which refurbish existing buildings and backlands - having regard to the extent of demolition proposed, however the plan envisaged the demolition of buildings along Dublin Street to facilitate the new Charles Gavan Duffy Place and to this end I am satisfied that the principle of the proposal is acceptable and generally compliant with the Regeneration Plan insofar as the overall scheme and layout proposed is broadly reflective of that proposed and adopted in the Regeneration Plan.
- 8.1.16. The proposed development will assist with the following policies and objectives of the MCDP:
- RTP 7, TCO 1 and CCP 3 - To encourage reuse of derelict sites and vacant town centre commercial premises for alternative uses and promotes re-use of brownfield lands that consolidate existing settlements.
 - Strategic objectives SSO 2, SSO 11, SSO 17 relating to investment in infrastructure, services and development, promoting sustainable compact

development forms, promoting the efficient use of public infrastructure and promoting the regeneration of the backlands of towns.

- TCO 9 - accommodate the regeneration of back lands in the towns were appropriate, including the construction of new urban streets to provide access to inaccessible lands.

8.1.17. The proposed development will also assist in meeting objective G3 of the MCC Climate Change Adaptation Strategy 2019-2024 to support the densification of town centers.

8.1.18. The observations on the planning application each raised concerns regarding the proposal, objecting to the fundamental components of the scheme:

- The Department of Housing, Local Government and Heritage, raised concerns about the scale of building demolition and car parking provision, stating it was not envisaged in the Dublin Street Regeneration Plan. The Dept. considered that the breaking and opening out of the historic streetscape to a surface car park would not have a wholly positive impact on the cultural significance of the place, the urban form and the coherence of the town plan. The proposed scheme in light of new policy and funding initiatives was questioned, particularly in light of the Town Centre First Policy and Housing for All and suggest that further information should be sought.
- Following consultations between the applicant and the Department and the submission of further information, the Department advised that it was now inclined to set aside earlier observations (refer to Appendix 3b of the EIAR, received 7th December 2023) noting, amongst other considerations, the retention of historic urban legibility curves, with appropriate recognition of the historic and cultural backdrop, while the pedestrian priority draws on the historic precedent of pedestrian archways routes in the town.
- The submissions received from An Taisce, the Heritage Council, Sheridan Woods Architects & Urban Planners, Eddie O’Gara and that received from Annette McKenna and Marian Quigley generally object to the proposed development on a range of issues including sustainability, climate change, heritage and public realm quality. The submissions are summarised in section 6.0 of this report.

8.1.19. In response to these submissions, I note that the scheme has been amended to reduce car dependency and promote walking, thus creating an improved town centre experience. The amendments include retention of the outbuilding within the curtilage of the protected structure at Sherry's on Dublin Street, and improved street corner facades on the proposed Charles Gavan Duffy Place. I am satisfied that these significant amendments go a considerable way to address third party concerns, considering that the principle of the scheme, including the demolition of streetscape building, is plan-led as set out in the MCDP.

Permission/Consent Period

8.1.20. Having regard to the foregoing and noting the complexity of landownership and state funding supporting the proposed development, I consider it appropriate that the period for which development consent can be implemented is 10 years from the date of the Board Order. A condition to this effect is attached for the Board's consideration.

Conclusion: Compliance with National, Regional and Local Policy

8.1.21. Overall, the proposed development accords with the general aims and objectives of the National and regional policy with respect to a modal shift, albeit that scheme comprises upgrading to significant area of surface car parking, pedestrian connections are proposed to be developed and enhanced; consolidation and compact town centres, including regeneration of vacant lands. The proposed development is supported across numerous policies and objectives of the county development plan, including the Dublin Street Regeneration Plan. The proposed development should assist in delivering investment and create opportunities to consolidate the town centre. It will establish pedestrian priority to/from Dublin Street to the development lands and Monaghan Shopping Centre. The proposed development is therefore acceptable in principle subject to an assessment of the proposal under other relevant Development Plan criteria and ministerial guidelines. I consider a 10 year permission period is appropriate having regard to the nature of the development, landownership across the site and state-funding supporting the proposed development.

8.2. Archaeology and Built Heritage

8.2.1. The entire development site is located within Monaghan Town Area of Archaeological Importance and the National Monuments Service Zone of Notification for the historic settlement of Monaghan. There are two recorded archaeological sites within the proposed development boundary, comprising a castle or fortified house and associated bawn built in the early 17th century. There are further sites within the surrounding study area.

8.2.2. There are several NIAH structures and/or protected structures, as listed in the MCDP) within or directly adjacent to the development area:

- No. 10. Dublin Street, listed as the 'Birthplace of Charles Gavan Duffy', was removed from the record of protected structures in May 2021. It is proposed to demolish this structure as part of the proposed development.
- The curtilage of another protected structure at 24 Dublin Street, referred to as 'Ballywollen Lounge' or 'Sherry's', is also located within the site boundary. It was originally proposed to demolish the outhouse to the rear of Sherry's public house. Following the request for further information, it is now proposed to retain the outbuilding.
- Monaghan Town Hall comprising Monaghan County Council offices is a protected structure, to the east of which is an existing alleyway. Works are proposed to this alleyway as part of the proposed development.
- Monaghan Courthouse, protected structure, adjoins the site to the north-west boundary.
- 14 Church Square, protected structure, adjoins the site to the northwest.
- Saint Patrick's Church, Church Square, protected structure, bounds the site to the north.
- First Monaghan Presbyterian Church, Old Cross Square, protected structure and associated graveyard, protected structure bounds the site to the east.
- There are 4 no. protected structures (54-57 Dublin Street) opposite the location of the four buildings to be demolished on Dublin Street.

- 8.2.3. The proposed development is partially located within the Dublin Street Architectural Conservation Area (ACA), indicated to be nos. 15, 31-50, 58-59, 63-64 as per the MCDP and adjoins and Church Square ACA to the north-west. The Diamond ACA is located to the north of the site.
- 8.2.4. A number of the submissions raise concerns regarding impact on built heritage, in particular the loss of no. 10 Dublin Street, the loss of 4 no. street frontage buildings on Dublin Street and the loss, as originally proposed, of the outbuilding to the rear of no. 24 Dublin Street. The detail of these submissions, as it relates to built heritage, is dealt with the EIA in section 9.0 of this Inspector's Report and will not be repeated here.
- 8.2.5. The impact of the proposed development on archaeology and built heritage is assessed in detail under Section 9.14: Archaeological, Architectural and Cultural Heritage of the Environmental Impact Assessment below. The visual impact of the proposed development is assessed under section 8.15 XX of the Environmental Impact Assessment below.
- 8.2.6. In terms of impact on archaeological heritage, the EIA concludes that there is potential for significant impact of a direct nature on two recorded archaeological sites, (castle or fortified house, and associated bawn) and other unknown archaeological remains during the construction phase. The overall archaeological potential of the proposed development site is considered low, given the fact that most of the development area has been subject to previous development including ground reductions and interventions which may have impacted on potential archaeological layers. Standard archaeological mitigation measures are proposed and are considered appropriate. The EIA concludes that the overall visual impact on archaeological monuments is negligible, having regard to the fact that the two archaeological monuments on site are below ground.
- 8.2.7. In terms of impact on architectural and cultural heritage, the EIA considers the impact of the proposal on no. 10 Dublin Street, the Dublin Street ACA and associated streetscape, other ACAs in the vicinity, and protected structures, including no. 24 Dublin Street. The proposal will result in the removal of the cultural and historical former place of residence of Charles Gavan Duffy, a notable Young

Irelander, journalist and politician who later became the Premier of Victoria at no. 10 Dublin Street and a section of historical streetscape, no's 8-11 Dublin Street.

- 8.2.8. The demolition of no. 10 Dublin Street, and adjoining structures is provided for in the Dublin Street Regeneration Plan (see page 16 of the Plan) in order to create a new interconnecting street between Dublin Street and the backlands. Greater clarity in respect of the intention to demolish nos. 8-11 is set out in public display documentation in respect of the section 55 (of the Planning and Development Act, as amended) process to delete no. 10 Dublin Street from the Record of Protected Structures. By way of background information for the Board, this included a CONSARC Conservation Report, prepared by an accredited conservation practice. This report, available on Monaghan's County Council's website, cites the substantial alterations made to the structure over time which have eroded its architectural significance.
- 8.2.9. With respect to the demolition of the four buildings/section of streetscape on Dublin Street, the EIA concludes that the demolition of these structures will alter the character and setting of the Dublin Street ACA and the four protected structures, 54-57 Dublin Street, opposite the section of streetscape to be removed. This alteration to character and setting, while significant, is not in my opinion a detrimental impact having regard to the proposed public realm works including paving, street furniture and the creation of a south-facing pedestrianised street at Charles Gavan Duffy Place which will create new vistas to and from Dublin Street. These works should act as a catalyst to attract further development in the area, leading to an overall enhancement of the area. The EIA concludes this group of buildings do not significantly contribute or positively enhance the overall character and appearance of the setting of the ACA, will create an interesting focal point for the protected structures (54-47 Dublin Street) to the north of those to be demolished which, by virtue of their architectural quality and south facing facades, should enhance the proposed Charles Gavan Duffy Place. In addition, the proposed demolition of structures will create improved vistas of protected structures, the Dublin Street ACA and the Diamond ACA from within the site. Likewise, the dedicated pedestrian street (the CGD Place) and public realm works will create an inviting environment to the Dublin Street ACA.

- 8.2.10. With respect to nearby ACAs, The Diamond ACA and Church Square ACA, the EIA also concludes that they are of sufficient distance from the site such that no impacts from the proposed development on these ACAs arise.
- 8.2.11. With respect to no. 24 Dublin Street, the EIA concludes that the amended proposal which seeks to retain the outbuilding within the curtilage of the protected structure and the proposed public realms works in the vicinity is appropriate and can be considered to be in accordance with proper planning and sustainable development.
- 8.2.12. With respect to adjoining or nearby protected structures (*aside* from 54-57 Dublin Street and no. 24 Dublin Street) the EIA concludes that there is either no greater or additional impact on protected structures arising from the proposed development or that due to the location of works and proposed type of works (principally resurfacing and public realm works) that there will be no permanent undue adverse impact on the protected structures.
- 8.2.13. The EIA notes that until such time as a scheme is developed for (i) the streets which will front CGD Place and (ii) the new development blocks in the backlands, there will be hoarding or fencing likely to be erected along new street frontage. This will have a negative impact on views to and from Dublin Street ACA but will be temporary in nature, pending the development of development plots/area.

Conclusion: Archaeology and Built Heritage

- 8.2.14. Overall, I consider that the archaeology, cultural and built heritage of the site have been appropriately considered and I am satisfied that the proposed development, including demolition of a section of Dublin Street, is plan-led, as set out in the Dublin Street Regeneration Plan. Furthermore, I consider, the scheme as amended, meets MCDP policy BHP 7 to sympathetically reuse protected structures (i.e., outbuilding to no. 24 Dublin Street) and policy BHP 6 to ensure that any new development proposed to or in the vicinity of a protected structure will complement and be sympathetic to the structure and its setting.

8.3. Public Realm and Design

- 8.3.1. The importance of public realm and attractive town centres is recognised in National Strategic Outcome (NSO) of the National Planning Framework. NSO 'Enhanced Amenities and Heritage' states that well-designed public realm will require

investment in public spaces, parks and streets. This approach is also recognised in the Government's, 'Town Centre First' policy document wherein it is stated that town centres can capitalise on a shift to more blended retailing through enhanced place making and an appropriate balance between vehicle use and quality public realm. The recently published Sustainable and Compact Settlements Guidelines for Planning Authorities note that one of the key priorities for key towns (such as Monaghan), is to realise opportunities for adaptation and reuse of existing buildings and for incremental backland, brownfield and infill development.

8.3.2. Other than the retention of the outbuilding to the rear of no. 24 Dublin Street, the proposed development does not include development proposals for adaptation, conversion and infill of existing urban fabric/structures, or proposals for new development blocks / uses. Rather it seeks to deliver a new network of spaces and quality public space and streets which it is hoped will act as a catalyst for future redevelopment and new development in the surrounding urban areas and in the created spaces for 'development blocks' in the central area of the site which will, it is hoped lead to infill and compact development.

8.3.3. With regard to public realm, the Dublin Street Regeneration Plan contains 5 no. public realm objectives:

- *Provide a range of civic spaces to support and animate the area, Gavan Duffy Place, Courthouse Square, The Mall and Farney Road;*
- *Enhance the existing public realm on Dublin Street, with design for improved pedestrian use, and appropriate accommodation for vehicular access, services and parking.*
- *Prioritise the design and implementation of a scheme to upgrade the public realm of the backlands area, to include realignment of the routes; proposed Fearnly Road, and The Mall, and walkway along the Shambles river to connect through the existing graveyard to Old Cross Square.*
- *Ensure that the public realm is characterised by high quality materials such as paving, street furniture, lighting and planting. Opportunities for public art should be created particularly in public squares; Courthouse Square and Gavan Duffy Place.*

- *Provide positive interaction between spaces and the built form, e.g building frontages, windows and entrances should face onto and overlook the street and public spaces.*

- 8.3.4. Following the request for further information, the applicant engaged architectural consultants (McAdam Design) and public realm specialists (OPEN) to re-consider the design approach. The consultants have prepared design and public realm statements (see EIAR, submitted in December 2023, Volume II Technical Appendices Appendix 2) which together with visuals provide detail on the design and material specification of public realm elements proposed. This Design Statement should be read in conjunction with the Planning Statement and Chapters 2 and 14 of the EIAR.
- 8.3.5. The proposed development, in particular the GCDP, incorporates many attributes of successful public spaces including limitation of traffic, good resting opportunities, landscaping, good access, and views of people and space. Facilities such as bins, cycle parking are, in my opinion, lacking at the CGDP and the scheme would benefit for increased facilities in this regard. A condition to this effect is attached, for the Board's consideration. Other critical elements such as passive surveillance, active edges, variety of use, pedestrian desire lines – through the larger of the development areas and, comfort from the elements, are generally unknown at this time. However, where they can be achieved, they are proposed, such as passive surveillance from Dublin Street onto the CGDP and active corner edges onto CGDP at no's 7 and 12 Dublin Street.
- 8.3.6. The overall scheme provides cycle lanes, footpaths, hard and soft landscaping, seating, lighting, realigned and resurfacing of roads. The selected materials described in the Public Realm Statement are appropriate and have been considered in the context of the site as a whole and the wider town environs. I am satisfied that the hard and soft landscaping is appropriate and would accord with the proper planning and sustainable development of the area.
- 8.3.7. With respect to the Courthouse Square, the Regeneration Plan envisages that this space has the potential to act as a multi-functional space, including car parking, a temporary event space, farmers market etc. This space is designed for car parking

and vehicular movement; however, it doesn't exclude multi-functional uses. The space would benefit from additional landscaping features, including seating.

- 8.3.8. With respect to the Shambles River Walk envisaged in the Regeneration Plan, I note the existing green space along the Shambles River is retained within the scheme, and tree planting is proposed along the river which will add to the visual amenity of the area. No provision, however, has been given to a walkway along the river and this area is, like the southern section of the site, dominated by surface car parking and a recycling bay. The provision of a pedestrian route along the river would necessitate the re-imagining of this element of the scheme and it is unfortunate that the scheme did not seize the opportunity to deliver or provide for meeting this element of the objective.
- 8.3.9. A number of the submissions include concerns relating to public realm: that the project fails to deliver an enhanced public realm; that it fails to deliver connection to the Shambles River or a river walk; that the Courthouse Square is simply a car park; that there is a lack of high-quality open space; and, that a high-quality civic space has not materialised.
- 8.3.10. In my opinion, the main positive aspect relating to the proposed development is the limitation of vehicular access to/from Dublin Street and the proposal to pedestrianise CGDP. The issue of movement and access is addressed in more detail below.

Conclusion

- 8.3.11. Save for the delivery of an enhanced river walk along the Shambles River, I consider that in the whole, the application generally accords with the public realm objectives of the Regeneration Plan. Noting that the purpose of the Regeneration Plan is to provide guidance on the regeneration options for future development and to make associated recommendations, I do not consider that the non-delivery of an element of an objective in the Regeneration Plan should be considered detrimental to development consent. I am satisfied that the proposed development is acceptable from a public realm perspective.

8.4. Transport and Movement

- 8.4.1. Transport and movement into and around the site are important considerations that will contribute to the success or otherwise of the development proposal. This is addressed under pedestrian, cyclist and vehicular access below.
- 8.4.2. With regard to movement, the Dublin Street Regeneration Plan (Appendix 20 of the MCDP) contains the following relevant objectives:
- Create an urban structure which facilitates convenient pedestrian access to facilities and services.
 - Promote the development of a legible urban structure with a well-defined network of routes and spaces for pedestrian, cyclist and vehicular movement.
 - Create new routes, for pedestrian, cyclist and vehicular movement, which contribute to ease of movement and connect existing and new spaces; Gavan Duffy Place, Church Walk, The Mall, and Courthouse Square.
- 8.4.3. A Traffic & Transport Assessment and an Accessibility Assessment is included in the EIAR. In terms of traffic impact, the EIA concludes that as there will be no increase in development floorspace as part of the proposals, as amended, traffic can be accommodated, including cumulatively, within the surrounding road network.
- 8.4.4. I have had regard to the Regeneration Plan for Dublin Street North (variation no. 3 of the MCDP 2019-2025) and to the Roosky Lands Masterplan (variation no. 4 of the MCDP) in assessing the issue of transport and movement. I am satisfied that, having regard to the neutral impact on the surrounding road network, and the proposed road network and pedestrian connections envisaged in the Regeneration Plan for Dublin Street North and Roosky Lands Masterplan, that the proposed development will not militate against the objectives with the Regeneration Plan or the Masterplan. These plans and that of Dublin Street Regeneration Plan (for lands to the south of Dublin Street) are not functionally dependent from a vehicular perspective. The proposed development will complement the proposed pedestrian connections envisaged in the Regeneration Plan for Dublin Street North.
- 8.4.5. The new public spaces and realigned roads/streets have been designed in accordance with the Design Manual for Urban Roads and Streets (DMURS), as

directed by TII Publication DN-GEO-03031, using a design speed of 30km/h to encourage great pedestrian usage and accessibility.

- 8.4.6. A Stage 1 Road Safety Audit has been completed which identified 22 'problems' with the proposed layout. The layout has been revised and, where applicable, commitments have been made to satisfactorily address the issues identified.
- 8.4.7. With regard to submissions, TII note the proposal to construct a raised table on the N54 national road at the location of CGDP on Dublin Street and has no objection subject to compliance with TII design specifications, and other conditions relating to compliance with the Design Report and Road Safety Audit. Other submissions from the Department of Environment, Heritage and Local Government, An Taisce and Eddie O'Gara raise particular concerns with regard to the (originally) proposed vehicular route through the proposed CGDP. Concerns are also raised about the extent of car parking proposed; pedestrian severance along Dublin Street and unsafe cycling facilities. Transportation issues raised in relation to the EIAR are discussed in section 9.13 of this Inspector's Report and are not repeated here.

Pedestrian Access

- 8.4.8. The amended proposals the subject of the revised submission to An Bord Pleanála involve the creation of a fully pedestrianised public space (Charles Gavan Duffy Place) to connect Dublin Street through to its backland areas. Two existing pedestrian connections from Dublin Street to the backlands will be enhanced and a further two pedestrian connections through to the backlands will be created, at no's 8-11 Dublin and No. 24 Dublin Street. There are four other existing pedestrian access routes – one either side of the Courthouse with direct access to the proposed car park, one located at the Ulster Bank on The Diamond, and one south of the site from Macartan Road/Broad Road. Pedestrian upgrades are proposed across the site, including along realigned roads, new streets and existing connections, and across the reconfigured carparks. I am satisfied that pedestrian access and permeability through the site will be enhanced by the proposed development.
- 8.4.9. The new pedestrian movement route from Dublin Street through Sherry's Lane will connect into the proposed pedestrian network, and there is a direct pedestrian footpath link into the area to the rear of the former Bellevue Tavern and the entry to the rear of No. 14 Dublin Street. The EIAR states that due to the nature of the

existing and proposed ground levels, providing pedestrian access in this location was challenging with up to a 3m level difference in certain parts of the site. The EIAR continues that the maximum gradients identified in DMURS could not be achieved, and that steps represented the best design solution to gradually allow the pedestrian to adapt to the changing gradient. I note however that alternative routes are available and the section of path to be stepped is not significant within the overall network proposed.

8.4.10. Section 3.3.2 of DMURS deals with block sizes and states that block sizes of 60-80m is optimal for pedestrian movement and centres, but all effort should be made to ensure the maximum block dimension does not exceed 120m. The proposed large central development block measures c. 180m x 50m. In response to a request for further information on this point, the applicant advised this can be considered in the context of future planning applications for relevant developments on this plot. This is acceptable, subject to an appropriate condition which is attached for the Board's consideration.

8.4.11. Variation no. 3 of the MCDP amends Policy Objective 29 of the MCDP which requires improvements to the pedestrian environment along Dublin Street, through inter-alia, providing table top pedestrian crossing points on Dublin Street, at Charles Gavan Duffy Place. The proposed development proposes a table-top pedestrian crossing and the narrowing of the Dublin Street carriageway which will further assist in pedestrian safety. I am satisfied the proposed development will partly achieve policy Objective 29 in this regard.

8.4.12. In view of the nature and scale of works proposed, it is considered that a Street Design Audit, in accordance with and demonstrating compliance with DMURS and focusing on connectivity, self-regulating street environment, pedestrian and cycling environment and, visual quality, should be prepared prior to commencement of development, and a copy placed on the public file.

Cycling Access

8.4.13. Segregated cycle tracks are proposed along Farney Road accessing from the south, off Macartan Road. In the northbound direction, the cycle track will terminate at the plaza area on the western side of Farney Road (corner of the shopping centre) where cycle parking facilities are proposed. In the southbound direction, a

segregated cycle track is proposed for a short distance before terminating at the ramped crossing on Farney Road. The EIAR notes that cyclists will be able to utilise the existing Zebra crossing on the N54 Macartan Road (Broad Road) to access the Ulster Canal Greenway located off Castle Road from the site.

- 8.4.14. With respect to elsewhere in the site, the EIAR states that spatial limitations and concerns of greater risk of conflicts with pedestrian activity within the Courthouse carpark have restricted the ability to deliver further cycle lane provision to connect into the proposed cycle network infrastructure to the north of the town, as shown in the Monaghan Land Use & Transportation Study (MLUTS) 'Existing and Proposed Cycling Routes Map Rev D. Notwithstanding this, the proposed development does not militate against the delivery of a pedestrian/cycle route through to Church Square in the future.
- 8.4.15. There is an absence of cycle parking in or proximate to the CGDP and it is considered that provision should be made for cycle parking at this location. A condition, for the Board's consideration, is attached.
- 8.4.16. According to the EIAR, the proposed cycle facilities have been designed in accordance with the National Cycle Manual. This document has been replaced by the Cycle Design Manual (2023). In light of this, it is considered that a condition is attached that the proposed development is carried out in accordance with the Cycle Design Manual.

Vehicular Access

- 8.4.17. The Monaghan LUTS notes that Dublin Street is a narrow one way street that is heavily dominated by vehicular traffic, a large portion of which includes heavy goods vehicles given its status as part of the N54 national route. Under the proposed development, Dublin Street will continue to operate as a one-way road with no traffic accessing or egressing from Charles Gavan Duffy Place – as amended. Charles Gavan Duffy Place will be a pedestrian only space with access only for deliveries to commercial units and waste collection from commercial and residential premises. An element of shared surface will exist at the intersection with Church Way however this will be a pedestrian priority area characterised by slow vehicle speeds.
- 8.4.18. A new single lane, one-way carriageway (3.5m width) is created connecting the Courthouse car park with Charles Gavan Duffy Place – this will be one way from the

corner of the car park through to CGDP. A vehicle layby area is provided along this carriageway, close to the potential central development area, to accommodate large vehicles servicing the large central development area adjacent. It has been designed to accommodate one-way traffic only.

- 8.4.19. One way access and egress will continue to be provided either side of the Courthouse to/from Church Square to/from the site under the proposed development. The MCDP, including the Dublin Street Regeneration Plan, the MLUTS and the Monaghan Cycle and Walking Strategy do not assess the continued operation of priority vehicular traffic through the site and to/from Church Street. This element of the proposal reinforces vehicular traffic dominance whereby pedestrian and cyclist priority are reduced to cater for the needs of cars. As stated above, however, the proposed development does not militate against the delivery of a pedestrian/cycle route through to Church Square in the future.
- 8.4.20. Vehicular access/egress will continue via Macartan Road to the south along an upgraded and realigned carriageway.
- 8.4.21. As part of the development proposals, a total of 57 car parking spaces will be removed from the area, reducing the number of car parking spaces on the site from 393 to 336. I note application documentation which states that as part of their wider car parking strategy, MCC have opened a new Council-operated car park on the former Eircom site, between the Margaret Skinner Roundabout N54 Macartan Road / Glen Road / Dawson Street signalised junction. The new carpark has 88 spaces. There will, therefore be no overall net loss of spaces in Monaghan Town.

Traffic & Transport Conclusion

- 8.4.22. Having regard to the foregoing, I consider that the proposed development is appropriately designed to accommodate vehicular traffic, while also promoting a shift towards sustainable transport modes. This would be consistent with local and national transportation planning policy which aims to reduce reliance on the private car and would not unacceptably impact on the safety or capacity of the surrounding road network. Accordingly, I would have no objections in this regard.

9.0 Environmental Impact Assessment

9.1. Introduction

- 9.1.1. The application was accompanied by an Environmental Impact Assessment Report (EIAR) which was prepared by RPS on behalf of Monaghan County Council. An EIAR is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000, as amended, (PDA) and Schedule 5 of the Planning and Development Regulations 2001, as amended, (PDR). Item 10(b) of Part 2 of Schedule 5 of the PDR provides that an EIA is required for infrastructure projects comprising of urban development which would involve an area greater than 2 hectares in the case of a business district. The site comprises an area of 2.72ha and so the proposed development exceeds the threshold for a mandatory EIA.
- 9.1.2. A formal EIAR Scoping Opinion on the information to be contained in the EIAR under Section 173(3)(a) of the Planning and Development Act, 2000 (as amended) was issued by the Board to Monaghan County Council on 8th June 2021.
- 9.1.3. An examination has been carried out of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application for approval. A summary of the submissions by prescribed bodies and other observers and the applicant's response to same are set out at Section 6 of this report. The main issues raised specific to EIA can be summarised as follows:
- Alternatives considered;
 - Scoping and consultation;
 - Cultural heritage impacts;
 - Townscape and visual impacts;
 - Traffic & transportation impacts.

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation including conditions.

9.2. EIAR Content and Structure

- 9.2.1. The EIAR submitted with the original application is laid out in two folders and bound booklet with the non-technical summary and the main document in one bound folder and appendices in another. EIAR volume III is an A3 booklet containing technical drawings and plans.
- 9.2.2. A revised EIAR with limited chapter updates was submitted on 7th December 2023 in response to the request for further information. The revised EIAR (or elements of) is laid out in three folders a bound booklet with a non-technical summary, and an A3 booklet containing drawings and plans. For the purposes of clarity, both EIARs must be read together, for example, as no changes to Chapter 10 Air Quality & Climate were proposed this chapter was not included in the revised EIAR. A list of revised chapters is set out in the Introduction of the updated EIAR.
- 9.2.3. Chapter 1 sets out the introduction including a list of the competent experts involved in preparing the EIAR. Chapter 2 provides a description of the project and deals with Alternatives. Chapter 3 sets out scoping exercise and consultations.
- 9.2.4. The non-technical summary gives a concise synopsis of the EIAR and is written in language that can be easily understood. I am satisfied that the EIAR adequately describes the proposed development to include information on the site, design and size of the site and proposed development. The applicant has also carried out an assessment of reasonable alternatives relevant to the proposed development and its specific characteristics. A baseline scenario with and without the proposed development is assessed and a description of the factors likely to be significantly affected by the proposed development are set out, together with any direct, indirect, secondary, cumulative, transboundary, and short-long term effects of the proposed development. A description of forecasting methods including any difficulties encountered as well as measures envisaged to avoid, prevent, reduce or off-set significant adverse effects and any monitoring arrangements are included for both construction and operational phases. The vulnerability to risk of accidents and unplanned events is also described, along with any measures to prevent or mitigate the significant adverse effects on the environment. Details of scoping consultations are included and there is an adequate list of experts who contributed to the EIAR.

- 9.2.5. The EIAR refers to the risk of accidents and major disasters and is specifically addressed in Chapter 6, Water Quality, Chapter 7 Soils, Geology & Contaminated Land, Chapter 8 Biodiversity, Chapter 10, Air Quality & Climate and Chapter 11 Waste.
- 9.2.6. The impact of the proposed development is addressed under all relevant headings with respect to the environmental factors listed in Article 3(1) of the 2014 Directive, which include:
- (a) population and human health,
 - (b) biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC,
 - (c) land, soil, water, air and climate,
 - (d) material assets, cultural heritage and the landscape,
 - (e) the interaction between the factors referred to in points (a) to (d).
- 9.2.7. Overall, I am satisfied that the information provided has been prepared by competent experts to ensure its completeness and quality, is reasonable, up to date, adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended, and is sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment.
- 9.2.8. I have carried out an examination of the information presented by the applicant, including the EIAR and the submissions made during the course of the application. A summary of the submissions made by observers and prescribed bodies has been set out at Section 6 of this report. The relevant issues raised are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation including conditions.
- 9.2.9. Impacts during decommissioning are not considered in the EIAR, however, as it is proposed that the structures will remain on site there is no impact arising.

9.3. Alternatives

- 9.3.1. Under the provisions of the EIA Directive, it is a requirement that an EIAR contain a *description of the reasonable alternatives studied by the developer*,
- 9.3.2. Chapter 2 of the EIAR considers Alternatives in terms of the following:
- 'Do nothing' Alternative
 - Alternative Locations
 - Alternative Designs & Layout
- 9.3.3. In the do-nothing scenario, the site would remain as existing with limited potential or stimulus for regeneration within the town centre. Future development is likely to evolve in a limited and piecemeal manner and would not realise the significant benefits of planned and co-ordinated urban renewal and the provision of upgraded/new pedestrian linkages.
- 9.3.4. Two alternative locations were considered, the area to the north of Dublin Street and the area to the south of Dublin Street – the application site. The area to the north of Dublin Street was discounted owing to the multitude of plots, the complexity of land ownership and restricted accessibility. In addition, it was decided that a new Local Area Action Plan (LAAPP) for north of Dublin Street should be produced to reflect more recent concepts and practices.
- 9.3.5. The area to the south of Dublin Street was the subject of a LAAP in 2017. There are a limited number of plots in the area and it has good accessibility and so progress can be realised at a quicker pace.
- 9.3.6. The design concept of the proposed development is stated to have evolved through a master planning process as part of the Dublin Street Regeneration Plan 2017. One of the key constraints identified in the Regeneration Plan is barriers to connectivity. The plan proposed a new street and public space to connect Dublin Street to the backland area (Charles Gavan Duffy Place). During master-planning, two alternative locations along Dublin Street for new access/demolition were considered.
- 9.3.7. One option was to locate the new street/opening at 12-15 Dublin, which would involve the demolition four street frontage properties and ancillary rear buildings. No. 15 is a protected structure and being the only four-storey building along Dublin

Street, its demolition would be a notable loss. It was further considered that the buildings opposite would present a poor northern elevation to the new public space. The other option, being the subject of this application, involves the demolition of nos. 8-11 Dublin Street.

- 9.3.8. Further alternatives were considered in respect of the layout of Sherry's Lane to the rear of no. 24 Dublin Road (Sherry's Pub), a protected structure, and initial proposals included for removal of the outbuilding to the rear of the protected structure.
- 9.3.9. Following a request for further information, an alternative scheme is proposed. The new Charles Gavan Duffy Place is now pedestrian only and vehicular access will be restricted to service and other essential vehicles only. It is also now proposed to retain the outhouse to the rear of Sherry's pub.
- 9.3.10. In respect of specific design elements, such as car parking layout, provision of footpath and cycle lanes, gradients, material and finishes to be used and street lighting, alternatives were considered. Changes to the junction with Broad Road (to the south of the site) were considered which included the reduction of the two-lane exit to one lane however this was not considered desirable in terms of traffic growth.
- 9.3.11. Regarding the submission from Eddie O'Gara – that retention of structures was not considered in the 'alternatives'. I am satisfied that there is no requirement to revisit issues considered in the formulation of policy that has been the subject of SEA – as detailed in the ABP Scoping Opinion, dated 8th June 2021.
- 9.3.12. In general, all reasonable alternatives that are relevant to the project and its specific characteristics are clearly presented in the EIAR. The main reasons for the chosen option and the development of the design process are set out, together with the background for the chosen layout. I am satisfied that this section of the EIAR is sufficient to comply with the provisions of Paragraph 1(d) of Schedule 6 of the Planning and Development Regulations, 2001 (as amended) and Article 5(1) and Annex IV of Directive 2014/52/EU.

9.4. **Consultations**

- 9.5. The Eddie O'Gara submission considers that Chapter 3 of the EIAR relating to Scoping and Consultation and specifically section 3.3.3 relating to Community and Stakeholder Response fails to capture the comments raised by the 'Love Monaghan

Save Dublin Street respondents. Chapter 3 of the EIAR has been updated to reflect the amendments to the scheme. Having read the submission made in respect of the initial consultation of the draft scheme and attached to the submission made in respect of the application, I am satisfied that the EIAR represents the concerns raised in the Love Monaghan Save Dublin Street submission.

9.6. Likely Significant Effects on the Environment

- 9.6.1. This section of the EIA identifies, describes and assesses the potential direct and indirect effects of the project under each of the individual factors of the environment (population and human health; biodiversity; land, soil, water, air and climate; material assets, cultural heritage and the landscape; and the interactions between these factors). Baseline characteristics, cumulative information and an evaluation of impacts on each sensitive aspect are set out, together with mitigation measures and residual impacts.

9.7. Population and Human Health

- 9.7.1. Chapter 12 of the EIAR provides a description and assessment of the likely impacts of the proposed development on population and human health on the local/receiving population. The existing environmental base-line is established from desk-based studies. Census 2016 results show that County Monaghan's population has grown modestly since Census 2011 to 61,386 persons at a slower rate than the national average. Though not referenced in the EIAR (pre-dating the 2022 Census results), I note the population of Monaghan town is presently 7,894.
- 9.7.2. The proposed development is located on a brownfield site in the central urban area of Monaghan town on sites which have frontage along Dublin Street, and their associated backlands. In addition, the site comprises a significant area of hard surfacing for car-parking and associated road network. It is proposed to demolish 4 no. street frontage units and create a new pedestrianised street, create outline urban blocks for future development, enhanced public realm facilities and car parking.
- 9.7.3. There are a number of existing vehicular and pedestrian access points to the backlands; two at Church Street – either side of the Court House and one to the south of the site at Macartan Road. The remaining access points are pedestrian

only, one from The Diamond at Ulster Bank, one from Dublin Street at Monaghan Council Offices and another to the rear of no. 13 Dublin Street. It is proposed to create a fully pedestrianised public space to connect Dublin Street through to its backland areas. This area is formed by the demolition of buildings no's 8-11 Dublin Street, partial removal of the rear section of the Northern Standard building at the Lower Courthouse car park, storage sheds, walls and fencing. The new south-facing street, to be known as the Charles Gavan Duffy Place, is intended as a multi-use space that can host events such as open-air markets.

9.7.4. The existing roads on the site which serve a large surface car parking will be realigned to create a new promenade, and to be known as The Mall, and realignment of an existing road, to be known as Farney Road. The realigned roads will facilitate vehicular, pedestrian and cycle movement.

9.7.5. Some of the units to be demolished are occupied, i.e., 'Sew n' Sews', a first-floor business and 'Best 4 You' a ground floor business at no. 9 Dublin Street, and 'Istanbul Kebab' at no. 11 Dublin Street. A submission from Annette McKenna and Marian Quigley of 'Sew n' Sews' object to the demolition of the buildings along Dublin Street and the creation of a plaza in their place which they consider will take business from the street and be of no benefit. Impact on existing business and premises arising from acquisition and demolition will be dealt with under a separate process, i.e., CPO.

Potential impacts during construction phase

9.7.6. Construction is estimated to take 24 months. Potential impacts are therefore short-term and include:

- Air quality impacts dust from construction traffic and demolition works.
- An increase in particulate matter and NO₂ levels from construction traffic.
- Increase in noise and vibration from demolition works, construction traffic and construction works.
- Economic impacts arising from business displacement/ demolition works and restricted access to business.
- Accessibility impacts to carparking and pedestrian connections during construction.

- An increase in construction-related employment.

Potential impacts during operation phase

- 9.7.7. There will be improved pedestrian connectivity and associated increase in noise levels if/when new square is occupied. In addition, the proposed development should be catalyst for economic development and regeneration of Monaghan's Dublin Street.

Mitigation

- 9.7.8. Mitigation measures defined within the chapters 4, 6 ,7, 9 and 10 of the EIAR relating to noise, water quality, soils, traffic and air quality would be applicable in the protection of the environment and human health during the construction and operational phase of the proposed development. These measures are dealt with under respective headings below, as part of the overall assessment.
- 9.7.9. All construction phase activities will be carried out in accordance with a Construction Environmental Management Plan (CEMP) which includes for effective communication with local residents.

Residual impacts

- 9.7.10. Residual impacts are expected to be positive and long-term.

Assessment

- 9.7.11. No significant direct human health effects are predicted as a result of the construction or operation of the proposed development. Positive indirect effects on population and human health will include health and social/wellbeing benefits associated with the provision of a new public/open space in the town centre and the provision of a highly permeable layout which encourages walking and cycling. There will also be an increase in construction-related employment. Furthermore, I am satisfied that there are no direct or indirect cumulative effects on population and human health.

9.8. Biodiversity

- 9.8.1. This section of the report should be read in conjunction with Section 10, Appropriate Assessment, of this Inspector's Report. Chapter 8 of the EIAR deals with biodiversity

and contains an Ecological Impact Assessment (EclA). The EclA was undertaken in accordance with best practice guidance. The Chapter sets out the methodology for evaluating effects on ecology, including identification of ecological receptors that could potentially be affected by the proposed development. Chapter 11 of the EIAR deals with Waste and section 11.5.4.2 relates to Japanese Knotweed. Six areas of knotweed have been identified; Section 9.13 of this Inspector's Report should be read in this regard.

- 9.8.2. The measures to be employed to protect ground and surface water which are detailed under the heading 'water' are relevant in terms of biodiversity. To avoid undue repetition, I recommend that these sections be read in tandem.
- 9.8.3. Chapter 8 is supported by a number of technical appendices in Volume II of the EIAR, including Asbestos Survey Reports, Invasive Species Survey Report and a Bat Survey. The development site is largely comprised of hardstanding and buildings in addition to marginal areas of scrub, recolonising bare ground, amenity grassland and scattered trees. Trees, scrub and hedgerows are assessed to be of 'site level' ecological value. Several structures were assessed as having low potential for roosting bats. No roosting bats were recorded in buildings No's 8-11 Dublin Street to be demolished. In respect of birds, the site was recorded to support a limited range of bird species during the habitat survey. Some buildings on the site support nesting swift.
- 9.8.4. The Zone of Influence (Zol) extends to designated sites within 15km of the site and designated sites which are hydrologically connected. The closest designated site to the proposed development is the Wright's Wood pNHA, 1.6km to the west of the site. Further pNHAs are located within 5km of the site, all other designated sites are greater than 10km from the site. The site is hydrologically linked via the Ulster Canal. River Cor and River Blackwater to the Lough Neagh and Lough Beg SPA, a UK National Site Network.
- 9.8.5. No ecological or biodiversity issues are raised in the submissions received.

Potential Impacts during Construction Phase

- 9.8.6. Potential impacts during construction include:
- Surface water pollution following potential release of petrochemical fuels and other contaminants.

- Accidental release of sediments to surface water, causing pollution.
- Potential for spread of invasive species.
- Species disturbance and habitat removal with demolition works, vegetation removal and construction noise.

Potential Impacts during Operational Phase

9.8.7. Potential impacts during operational phase are limited:

- Surface water pollution following potential release of petrochemical fuels and other contaminants.

Mitigation Measures

9.8.8. Implementation measures include:

- Implementation of good practice guidelines on the control of water pollution from construction sites (CIRIA) and various pollution prevention guidelines, including guidelines on protection of fisheries habitats during construction projects.
- Fuel, oil and chemical storage will be sited on an impervious base within a bund and secured.
- Implementation of an Invasive Species Management Plan.
- Site clearance and demolition of buildings will take place during the period 1st Sept to 28th Feb. Any clearance works that may be required to be undertaken during the bird nesting season to be preceded by an inspection by a suitably qualified ecologist.
- Appointment of an Environmental Manager (EM) and an Ecological Clerk of Works.

Residual Impacts

9.8.9. Following implementation of the mitigation measures, the residual impacts on biodiversity are considered to be negligible.

Assessment

9.8.10. The site is not of significant ecological value. The proposed development will give rise to the loss of small areas of habitats and associated species.. No roosting bats

were found on site. Demolition and site clearance are intended to be undertaken outside of the bird nesting season. Having regard to the site location in an urban area, largely developed as surface car parking, and surveys undertaken, I am satisfied that there is limited potential for significant direct, indirect or cumulative effects on biodiversity. Furthermore, I am satisfied that implementation of mitigation measures proposed will ensure that no significant effects occur.

9.9. Soils, Geology & Hydrogeology

- 9.9.1. Chapter 7 of the EIAR reports on the likely significant effects on soils, geological, hydrogeological, and contaminated land. Chapter 11 of the EIAR reports on waste and deals specifically with Japanese Knotweed. This chapter is supported by Appendix 7A Preliminary Risk Assessment (relating to contaminated land), and Appendix 7B, Ground Investigations Report. In relation to knotweed, the EIAR reports that as a worst-case scenario 8,000m³ of Japanese Knotweed contaminated soils may be impacted, although it is likely to be less than this.
- 9.9.2. The site mainly consists of made ground, followed by peat and/or silt and clay and partly made up from limestone till. According to GSI data, the site has a 'high' vulnerability rating. Off-site historical contamination sources were considered not to present a risk as any historical risk would long have been diluted. Current off-site contamination source was limited to fuel tanks, a wastewater treatment works to the east of the site and a petrol filling station west of the site.
- 9.9.3. No specific issues relating to soils, geology or hydrogeology were raised in submissions received.

Potential Impacts during Construction Phase

- 9.9.4. Potential impacts during construction phase include:
- Potential for spread of invasive species, Japanese Knotweed, arising from removal of contaminated soils and ground disturbance.
 - Potential for groundwater pollution arising from fuel or petrochemical leaks or other contaminants.
 - Exposure of works to sub-soil contamination.

Potential Impacts during Operation Phase

- 9.9.5. There are limited potential impacts arising in respect of soil, geology and hydrogeology, save for:
- Potential for groundwater pollution arising from fuel or petrochemical leaks or other contaminants.

Mitigation Measures

- 9.9.6. No mitigation measures are proposed in Chapter 7 of the EIAR due to the “neutral ...impact” of the proposed scheme, however, I note the following:
- All construction phase activities will be carried out in accordance with a Construction Environmental Management Plan (CEMP) and Demolition and Construction Waste Management Plan which includes a pollution prevention plan.
 - Removal and controlled disposal of soils due to the presence of Japanese Knotweed.

Residual Effects

- 9.9.7. There will be minor alteration of ground levels across the site to accommodate works, including planting and public realm works.

Assessment

- 9.9.8. No significant pollutant linkages are considered to be present within the study area. The proposed public realm upgrade involves minor alterations to the land. Upon completion, paving and or hardstanding will cover the site negating any potential risk to human health.
- 9.9.9. The operational impacts are considered to be neutral. The majority of the site will be covered in hardstanding and having regard to the surface water drainage system, the likelihood of contaminated groundwater intrusion is minimal.
- 9.9.10. The spread of invasive species of knotweed is a potential significant risk however I am satisfied that subject to mitigation measures (see section 9.13 for further detail) that the likelihood of significant impact in this regard, is minimal.
- 9.9.11. I have considered all of the information in relation to soils, geology and hydrogeology. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the mitigation

measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on land and soil.

9.10. Noise & Vibration

- 9.10.1. Chapter 4 deals with Noise and Vibration. The following areas are considered: methodology, baseline conditions, assessment of potential effects, mitigation and residual effects. This chapter is supported with Appendix 2A Preliminary CEMP, Appendix 4A Baseline Noise Monitoring Survey, Appendix 4B Construction Noise Assessment, Appendix 9C Existing Traffic Flows, and Appendix 9D Committed & Base Traffic Flows. Among the guidance referenced is the NRA's Guidelines for the Treatment of Noise and Vibration in National Road Schemes which indicate noise levels typically deemed to be acceptable for the construction phase of road schemes. Other guidance documents include the Design Manual for Roads and Bridges Volume 11, British Standard document BS5228 and the WHO Guidelines for Community Noise.
- 9.10.2. The EIAR states that construction and operational vibration were scoped out as the proposed activities do not include piling nor are new significant vibration sources likely. The properties that are within 20m of the demolition areas of No's 8-11 Dublin Street site perimeter are residential properties on the opposite side of Dublin Street, which may experience vibration levels in the region of 1mm/s - 3mm/s. The effects at these receptors have been assessed as not significant, local, temporary, direct and reversible.
- 9.10.3. The baseline noise was captured over 4 no. noise monitoring locations (see Appendix 4A). The dominant noise source during the daytime noise monitoring survey at NML, which was located on Dublin Street, proximate to the site of the proposed demolition works, was road traffic noise from cars and HGV's.
- 9.10.4. For the purpose of the construction noise impact assessment, 100 no. receptors were modelled (see Appendix 4B), including residential, educational and religious properties, ranging from 0m to 508m from the site boundary. Construction activities assessed were site clearance, demolition, ground excavation, road construction and road surfacing, paving and public realm works. Worst case predicted construction

noise levels are indicated in Table 4.17 which shows that the demolition phase would generate the greatest impact at 94dB at 10m from the site boundary, decreasing to 20dB at 160m from the site boundary.

- 9.10.5. The likely effect of traffic noise increases on the local road network is considered to be imperceptible as the construction phase traffic movements will be less than 25% on existing roads, and therefore is unlikely to generate greater than 3dB change which would be perceptible to the average person.
- 9.10.6. In respect of vibration, BS 5228 indicates that construction activities, including demolition works, generally only generate vibration impacts when they are located less than 20m from sensitive locations. It is not possible to estimate the levels of vibration with any certainty. Instead, it is proposed that limits are placed on the vibration at sensitive buildings (receptors) and therefore vibration levels will need to be monitored during construction. BS 5228 states that vibration PPV levels are tolerable within residential properties when they do not exceed 1.0mm/s and warning is given.
- 9.10.7. No specific issues relating to noise and vibration were raised in submissions received.

Potential Impacts during Construction

- 9.10.8. During construction, there is potential for noise and vibration impacts from:
- the use of noisy plant and equipment during site clearance,
 - construction traffic,
 - noise and vibration impacts from construction phase activity including demolition of buildings.

Potential Impacts during Operation

- 9.10.9. Operational phase includes the potential impacts from traffic noise. The revised EIAR reflect that the scheme is amended to omit a new vehicular road linking Dublin Street to the backlands, now proposed as a pedestrian link. In addition, there will be a reduction of c. 57 car parking spaces from what presently exists on site. The traffic data indicates that there is no change on Annual Average Daily Traffic (AADT) 18 hr at N54 Macartan Road and reduction on AADT 18 hr at Farney Road for year of opening 2025, considered with cumulative development in the vicinity.

9.10.10. There are no operational vibration impacts associated with the proposed development therefore vibration operational impact assessment has not been considered any further.

Mitigation Measures

9.10.11. Proposed construction mitigation measures include:

- Limits will be placed on the vibration at sensitive buildings (receptors).
- Construction works are not proposed to occur during night-time or on Sundays, unless for emergency works.
- Prior warning and explanation to residents.
- Ground vibrations shall be monitored at adjacent buildings during demolition and construction works to ensure that vibration levels do not adversely impact any building or structure.
- Construction activities will be subject to the BS5228 noise limits.

9.10.12. During demolition, specific measures include:

- Programming of works to make use of existing barriers to noise;
- Retaining outer walls for as long as possible before demolition;
- Switching off plant when not in use;
- Use of temporary acoustic barriers to minimise noise breakout; and
- Using low noise impact methods where possible.

Residual Effects

9.10.13. No significant residual impacts will arise.

Assessment

9.10.14. Some construction phase activities associated with the proposed development, i.e., demolition, have the potential to result in vibration impacts at sensitive receptors. Pre-mitigation, the predicted construction noise impacts are anticipated to result in direct effects ranging from negligible to major at construction noise receptors. Residents will be informed of the timing and duration of activities

that may produce high noise or vibration and I note that elevated levels can be tolerated if prior notification and explanation is given.

9.10.15. Temporary slight adverse and direct impacts due to construction noise have been identified at the closest receptors to proposed construction works. I am satisfied that no permanent residual noise and vibration impacts are predicted during construction of the proposed development, and that overall, there are no significant direct, indirect or cumulative effects in respect of noise and vibration arising from the proposed development.

9.11. **Air & Climate**

9.11.1. Chapter 10 of the EIAR considers the potential for impacts to arise in relation to air quality and climate. The following areas are considered: methodology, baseline conditions, assessment of potential effects, mitigation and residual effects. The nearest EPA Air Monitoring site data indicates all levels recorded are below threshold levels for ambient nitrogen dioxide (NO₂) and ozone (O₃) and NO₂ concentrations.

9.11.2. Asbestos is present on some of the buildings to be demolished. Appendix 2D and 2E contain the Dublin Street Asbestos Survey Report and the Northern Standard Asbestos Survey Report respectively. Asbestos is treated as a special material under all types of regulation and as such has its own exposure limits. It is subject to high levels of regulation and control. The asbestos works are a matter principally for the Health and Safety Authority (HSA) and will be dealt with through appropriate survey, reporting, removal and disposal as required.

9.11.3. An odour assessment is not required as sources of odour are not significant in a type of development like this and it can be scoped out of the assessment. A risk assessment of dust emissions arising from construction activities was completed in accordance with the Institute of Air Quality Management – Guidance on the Assessment of Dust from Demolition and Construction 2016 (IAQM, 2016). A construction phase climate assessment was carried out to identify sources and quantify total Greenhouse Gas (GHG) emissions generated from the construction activities.

9.11.4. For operational stage, road traffic emissions were calculated using Annual Average Daily Traffic (AADT) data. As there will be no significant point sources at the proposed development, air dispersion modelling was not considered necessary for the proposed development.

9.11.5. The adaptability of the proposed development to climate change has also been assessed. In particular, the impacts of flooding, and this issue is assessed in Chapter section 9.12 of this Inspector's report.

9.11.6. The EIAR applies the following guidelines:

- in respect of dust, a limit is 350mg/m² /day is applied. (There is no legislative limit for dust in Ireland).
- In respect of air quality, the Air Quality Standards Regulations 2011 specify limit values in ambient air for several pollutants.
- Regarding climate change, an aggregate reduction in carbon dioxide (CO₂) emissions of at least 80% (compared to 1990 levels) by 2050.

9.11.7. Both Eddie O'Gara and An Taisce, in their submissions, state that the demolition of a building of architectural and heritage value for the creation of a new vehicular road is incompatible with the Climate Action Plan and should not be approved. The Heritage Council state that the EIAR makes no reference to the Climate Action Plan 2021 (CAP) citing extracts from the CAP, that the scheme is contrary to the CAP.

Potential Impacts during Construction

9.11.8. Potential impacts during construction include:

- generation and dispersion of construction dusts during the proposed works;
- Emissions associated with construction traffic;
- Potential odours (associated with emission from vehicles or fuels); and,
- Greenhouse gas emissions from the construction phase of the proposed development;
- Smothering of plants from dust;
- Direct chemical effects can include the altering of PH in soil and watercourses through the deposition of alkali rich particles.

Potential Impacts during Operation

9.11.9. No significant change in traffic volume is predicted when the proposed development is operational compared to the existing baseline scenario and there is no requirement to carry out an air quality assessment for the impact of the development on the local area; the impacts can be considered as having an insignificant effect.

9.11.10. Following construction, the area will be utilised as a public space and car parking, with occasional limited access for service vehicles and delivery vehicles. Therefore, emissions to air from traffic within the proposed development will be negligible once operational.

Mitigation Measures

9.11.11. Construction mitigation measures include:

- Preparation and implementation of a Dust Management Plan (DMP) which will include a range of standard dust control measures in the areas of communications, site management, demolition, earthworks, construction, vehicle movement and emissions;
- Develop and implement a stakeholder communications plan;
- With respect to demolition, soft strip inside buildings before demolition of the buildings and ensure effective water suppression is used during demolition operations.

9.11.12. Operational mitigation measures include:

- Reuse/recycling of crushed concrete and concrete slabs;
- LED public street lighting,
- Planting of trees contribute to carbon sequestration and improved air quality.

Residual Effects

9.11.13. Construction stage impacts will be short duration. Re-use of materials and waste management policies will contribute to climate action considerations. During the operational phase, the proposed development will likely contribute to a modal shift. Predicted impact on air quality and climate will be positive, slight, and long-term.

Assessment

- 9.11.14. Given the proximity of a number of receptors and the potential dust generating activities associated with the construction of the proposed development, a dust risk assessment was completed. The EIAR states that there is a medium risk of dust impacts on human health and ecological receptors during the demolition phase, which is reflective of the site's proximity to sensitive receptors in a town centre environment.
- 9.11.15. In terms of ecological receptors, the proximity to the Shambles River was identified, however I note that the habitat does not contain any known dust sensitive species or habitats and the nearest hydrological link to a Natura site is 58.6km downstream. Impact on Natura sites are considered in section 10.0 of this Inspector's Report.
- 9.11.16. Emissions to air from traffic within the proposed development will be negligible once operational, as the scheme favours a pedestrianised connection option, while the overall level of car parking to be provided is less than what is presently exists on site.
- 9.11.17. I am satisfied that the risks associated with impacts are short-term in nature and that once mitigation measures are implemented that direct, indirect and cumulative environmental effects on air and climate are not significant.

9.12. Hydrology & Surface Water

- 9.12.1. Chapter 5 of the EIAR reports on Flood Risk and Drainage, while Chapter 6 deals with Water Quality. The following areas are considered: methodology, baseline conditions, assessment of potential effects, mitigation and residual effects. These chapters are informed by desk-top studies and consultation.
- 9.12.2. The Shambles River flows to the south of the site, and a tributary of this flows through the site in a 900mm diameter culvert. There are no construction works proposed to the Shambles River or its tributary that runs through the site.
- 9.12.3. Based on the flood maps, the site can be considered to be affected by areas of Flood Zone A (high probability of flooding) and Flood Zone B (moderate probability of flooding) as described in the Planning System and Flood Risk Management

Guidelines for Planning Authorities. The flood zone map is shown Figure 5.2 in EIAR Volume III –Technical Drawings & Figures.

- 9.12.4. Presently, the majority of the existing surface water is collected in pipes and discharged to the Shambles River. Some of this water collected is discharged to the river via a stone attenuation area under the main car park area.
- 9.12.5. The waterbodies that could potentially be affected by the proposed development are the Shambles_10, and the Blackwater (Monaghan)-040 and the Cor River which are downstream of the Shambles. The closest protected area hydrologically linked to the proposed site is Lough Neagh and Lough Beg SPA (UK9020091) which is part of the National Site Network of SACs and SPAs in Northern Ireland. The impact of Natura 2000 sites is considered in section 10 of this Inspector's Report.
- 9.12.6. The Water Framework Directive (WFD) status classification between 2007 and 2018 for the Shambles_010 was classified as "Poor" status, the Blackwater (Monaghan)_040 as "moderate" status, while the Cor River has not been assigned a status.
- 9.12.7. The new networks proposed are as illustrated in Volume III Drawing no. DR0001 – Drainage, DR-C-UT1002 Watermain Works and DR-CUT1005 Foul Sewer which will include for future development within the area. The design proposals have included a 20% additional flow in the simulations for the surface water networks to account for Climate Change.
- 9.12.8. The main surface water network will collect the majority of surface runoff within the project site, and discharge to a proprietary attenuation crate system underneath the main car park area before discharging to the Shambles River. Discharge into the river from this network will be limited to a maximum discharge rate of 5l/sec during the 1 in 100 year critical duration storm event using a hydrobrake chamber prior to the outfall. The attenuation and soakaway units will require excavation from the southern car park area of the proposed development to a depth of 2m.
- 9.12.9. A smaller surface water network will be provided to collect runoff from sections of the Farney Road and the car park where lower surface elevations prevent this runoff from being connected into the proprietary attenuation crate system. Therefore, a section of the Farney Road and car park will continue to drain unattenuated into the Shambles River.

Potential Impacts during Construction

9.12.10. The following potential impacts during construction are applicable to hydrology and surface water:

- Generation of alkaline surface water run-off from construction works.
- Excavation and construction works may cause increased sediment loads in surface water potentially leading to siltation and physical effects on receiving surface water quality.
- Potential for surface water contamination from fuel spills/leakages.
- Deterioration of water quality from pollution could significantly impact aquatic life. In the absence of mitigation measures there is a moderate/major significance of impact of the receiving environment.

Potential Impacts during Operation

9.12.11. Potential impacts during operation include:

- Small areas of the proposed development will be located in identified floodplains and will therefore be at risk of flooding. These areas are currently at risk of flooding.
- There will be no significant change in ground levels to the areas of the proposed development in the floodplain and therefore these areas will still be available to receive flooding. The EIAR notes that higher ground outside of the floodplain is available to the north, within easy pedestrian access.
- contaminated storm water run-off from fuel spillages and contaminants from vehicle emissions, and could have a toxic effect on water biology, and the significance of environmental effect is moderate/major.

Mitigation Measures

9.12.12. The following mitigation measures are proposed:

- Adherence to construction phase best practice measures including that on the control of water pollution from construction sites (CIRA, 2001).
- In relation to flood risk, the EIAR states that as no significant effects have been predicted, no mitigation measures are proposed for flood risk.

- SuDS drainage systems are provided throughout the project site including porous paving over a substantial area of the car park with runoff infiltrating into the attenuation system and an infiltration trench to be provided on the grass verge on the south side of the car park to provide some long-term storage in the network.
- The design proposals have included a 20% additional flow to account for climate change.
- During the construction phase, any runoff from the construction site will be collected and controlled by the Contractor as described in the Construction Environmental Management Plan (CEMP) which will include use of settlement tanks, excavation during dry periods, stockpiling away from flow paths and waterbodies.
- Non-return flow valves shall be fitted to all network outfall pipes to prevent river flood flows from inundating the network.
- Stormwater treatment (filter drains, petrol interceptor) prior to discharge to the Shambles River.
- Residual Effects

9.12.13. Incorporation of mitigation measures means the potential magnitude of the impact will be reduced to low adverse, with a negligible effect on the environment.

9.12.14. The proposed development will have no increase in surface water flood risk, and in fact it may be possible to decrease the current runoff rate to the river using the proposed attenuation.

Assessment

9.12.15. The majority of surface water from the proposed development will collect in a new surface water network that drains to attenuation units in the southern car park., which will outfall to a single point on the Shambles River and will be fitted with a hydrobrake chamber. The design proposals have included a 20% additional flow to account for climate change.

9.12.16. While there are areas of the site that are affected by river flooding, there will be no change in ground levels to the areas of the proposed development in the

floodplain and therefore these areas will still be available to receive flooding. The new roads, streets and spaces have been designed so that there will be no negative impacts if the area floods. The proposed development will therefore have no increase in fluvial flood risk. Due to its nature, no flood emergency procedures are proposed specifically for this development. Higher ground outside of the floodplain is available to the north, within easy pedestrian access.

9.12.17. The 'Planning System and Flood Risk Management Guidelines' classify different types of development in terms of their vulnerability class, table 3.1 refers. Car parking is not a use listed in the table and can be considered on its own merits. The EIAR considers that proposed development to be 'amenity open space' which can be considered to be a 'water-compatible development'. The Guidelines identifies the type of development that would be appropriate to each flood zone and those that would need a Justification Test. Water-compatible development is appropriate in all flood zones and the EIAR concludes that a Justification Test is not required. I am satisfied that car parking can be considered a water compatible development in this instance. I note too that surface car parking already exists on the land the subject of flood risk. I am satisfied that a site-specific flood risk assessment is not considered necessary.

9.12.18. Provided the appropriate mitigation measures are fully implemented during the construction and operational phases of the proposed development as outlined in the previous section, the impact of the project on water quality in the area will be negligible. Accordingly, the proposed development will not have any significant direct, indirect or cumulative effects on water.

9.13. **Material Assets, including Waste**

9.13.1. Chapter 9 of the EIAR considers the potential impacts of the proposed development on material assets in the context of Roads & Traffic. Impact on other material assets and services is considered in Chapters 2 and 5 and identifies relevant material assets that are within the vicinity of the site, or which may be impacted by the proposal including buildings, car parking and water infrastructure.

9.13.2. Chapter 11 considers the potential impacts on waste, and this chapter should be read in conjunction with Appendix 2A Preliminary CEMP, Appendix 2B Preliminary

Built Environment

- 9.13.3. The site currently comprises of several retail/ commercial buildings (both vacant and in use) and backland areas comprising vacant / derelict land and properties, storage areas and rear access points. It also contains extensive areas of existing car parking, roads/roads infrastructure, pedestrian alleyways and incidental greenspace.
- 9.13.4. Construction and Demolition Waste (CDW) will arise from the demolition works to be undertaken as part of the proposed regeneration scheme. The proposal involves the demolition of 4 properties along Dublin Street (No's 8-11), including all the associated outbuildings and structures, and a commercial building at the Northern Standard. New building facades and openings are proposed to No 7 and No 13 Dublin Street, which will provide 'gable' commercial frontage to the new urban space. New high quality public realm incorporating footpaths, street furniture, signage and landscaping are proposed. The attenuation and soakaway units designed to manage surface water will require excavation from the southern car park area of the proposed development to a depth of 2m.
- 9.13.5. The proposed works will create two future development plots within the newly created backland areas. New streets will be created which are the Charles Gavan Duffy Place, Church Walk and The Mall. New and upgraded linkages are proposed to Dublin Street. The proposed regeneration project works will require the removal of material in cuttings and areas of known poor ground and the placement of material to construct the new design profiles and features.
- 9.13.6. The EIAR stated that it is anticipated that the commercial uses/ businesses currently operating at the buildings which are proposed to be demolished could relocate to vacant units elsewhere within the town centre.
- 9.13.7. The site largely comprises existing surface car parking (393 no. spaces). It is proposed to reconfigure the car parking, which will result in the overall decrease in car parking by 57 no. of spaces, to improve site levels and traffic movements. It is stated in the EIAR that MCC have recently opened a new Council-operated car park on the former Eircom site proximate to the site which has 88 spaces.

- 9.13.8. The total gross volume of material to be excavated is approximately 1,394 m³ with net fill material of 926m³ required. This figure is stated to include the estimated volume of excavated Japanese Knotweed material to be removed from site for deep fill licensed landfill disposal, although the EIAR also states that as a worst-case scenario up to 8,000m³ of Japanese Knotweed contaminated material may be required to be removed, though it is stated to be unlikely to be this amount.
- 9.13.9. Some of the buildings to be demolished contain asbestos, see Asbestos surveys Appendix 2D and 2E of the EIAR. Asbestos is treated as a special material under all types of regulation and as such has its own exposure limits. It is subject to high levels of regulation and control. The asbestos works are a matter for the Health and Safety Authority (HSA) and will be dealt with through appropriate survey, reporting, removal and disposal as required.

Built Services

- 9.13.10. In respect of utilities, the development proposal includes for new utility services /upgrading of existing services ESB services, WiFi, telecommunications and broadband, and CCTV. New watermain and foul water services are also proposed. The response to further information include additional drawings relating to foul water and watermain works.
- 9.13.11. There are 2 no. ESB substations which will be affected by the works - one is located in lands adjacent to rear of the Monaghan County Council offices on Dublin Street, and one located on the edge of the lower Courthouse Car Park (within the proposed new central development plot). The proposed development includes for the removal of the existing substation within the proposed new central development plot. A new substation will be provided on lands adjacent to the First Monaghan Presbyterian Church adjacent to the lower courthouse car park. There are a number of small ESB and electrical pillars and cabinets that will be removed and replaced to facilitate the new electrical equipment layout.
- 9.13.12. There is a minimal amount of existing watermains which will be required to be diverted to facilitate this development and potential future developments. A significant network of new 250mm PE watermains and associated infrastructure is proposed.

9.13.13. There are proposals to improve the services and utility infrastructure throughout the site – works to improve the water and sewage networks will potentially disrupt services during the construction period, however residents and businesses will be informed beforehand, and the disruption will be temporary. The area will benefit from improved flows, services, and discharges as a result of the new infrastructure, and with the design providing spare capacity for future development the impacts during the operational phase are deemed beneficial.

Traffic and Transportation

9.13.14. Chapter 9 of the EIAR considers the traffic and transportation impacts of the proposed development, Appendices 9a- 9d (comprising Scoping Study, RSA Stage 1, Existing Traffic Flows and Committed & Base Traffic) of the EIAR and Response to Request for Further Information also relate. I note that EIAR Appendices 9E and 9F relating to Generated & Proposed Traffic Flows and Threshold Analysis Percentage Impact are no longer relevant and are not included in the technical appendices document submitted with the response to the further information request. Chapter 9 sets out the assessment methodology, baseline traffic environments, forecasts travel demand characteristics of the proposed development and it evaluates the effect on the transportation network to accommodate traffic arising. This section should be read in conjunction with section 8.4 relating to transport and movement of this Inspector's Report.

9.13.15. Presently, vehicular movement along Dublin Street operates on a one-way system leading from The Diamond to Old Cross Square. As a consequence of this Dublin Street has become an exit from the town, reversing its former role as a principal entrance to the town core.

9.13.16. The scheme as originally proposed envisaged a new street with two-way traffic connecting Dublin Street to the backlands via the new ope to be created by the demolition of buildings no's 8-11 Dublin Street. Following concerns raised by the Department and third-party submissions, MCC was invited to reconsider this element of the scheme to create a street with pedestrian priority. In response to this request, a new pedestrian civic plaza is proposed – the Charles Gavan Duffy Place. It is proposed to use high quality public realm materials in respect of paving, street furniture, landscaping, lighting.

- 9.13.17. From a traffic perspective, the key components of the proposal are:
- Charles Gavan Duffy Place – fully pedestrianised civic plaza connecting Dublin Street to the backlands;
 - Church Walk – a new single lane, one-way carriageway (3.5m width) street, with footpath, connecting the proposed Charles Gavan Duffy Place to the courthouse, providing for pedestrian and vehicular traffic. A new vehicle layby area is proposed along this carriageway to accommodate large vehicles servicing the large central development area. The southern boundary of the footpath adjacent to the development area/plot will be demarcated by a 2.4m high security fencing as an interim measure until future development is brought forward;
 - The Mall – a new street connecting the proposed Charles Gavan Duffy Place to the courthouse, to provide a pedestrian and vehicular connection along the east/west axis of the site;
 - Farney Road – the realignment of the existing road which connects the existing courthouse car parks to the N54 Macartan Road;
 - Upgrade of existing car parks;
 - Improved pedestrian linkages via existing alleyways from Dublin Street to the backlands.

9.13.18. Chapter 9 includes an Accessibility Assessment. This assessment establishes the existing transport provision serving the site and its surrounds. The Assessment found that the site is well served by pedestrian facilities, that the core town centre and all its amenities, together with a number of existing residential areas and public transport facilities can be accessed within a 10-minute walking distance from the centre of the site; and, all of Monaghan Town can easily be accessed within a 10-minute cycle journey of the site. Vehicular access to the site will continue to be provided via a modification of the existing priority junction on the N54 Macartan (Broad) Road and Church Square. The nearest bus stops to the site are located within a 5-minute walk of the site.

9.13.19. The amended proposals that are the subject of the revised submission to An Bord Pleanála involve the creation of a fully pedestrianised public space (Charles

Gavan Duffy Place) to connect Dublin Street through to its backland areas with access only for deliveries to commercial units and waste collection from commercial and residential premises. An element of shared surface will exist at the intersection with Church Way however this will be a pedestrian priority area characterised by slow vehicle speeds. Segregated cycle tracks are proposed along Farney Road.

9.13.20. The new public spaces and realigned roads/streets have been designed in accordance with the Design Manual for Urban Roads and Streets (DMURS), as directed by TII Publication DN-GEO-03031, using a design speed of 30km/h to encourage great pedestrian usage and accessibility.

9.13.21. During construction, which is estimated to take 24 months, it is anticipated that construction traffic would access the site via the N2 to the north-east, and N54 to the west. The construction traffic HGV access routes are presented in Figure 9.15. It is envisaged that the earthworks stage will produce the greatest volume of HGV traffic as material is taken off site. These are estimated to leave the site in 13-minute intervals. This results in approximately 27 HGVs entering and leaving the site over a 6-hour period as a worst case, taking into consideration daily site operations.

9.13.22. As part of the Traffic Impact Assessment a detailed junction capacity analysis was undertaken using approved traffic modelling software to ensure that the existing road network could accommodate the traffic impacts resulting from the proposed development. The modelling results demonstrate that the site access points associated with the proposed development are predicted to operate within capacity for all assessment years and scenarios considered and with the cumulative development traffic added to the surrounding road network. I note that no new vehicular traffic is proposed to be generated by the development, and therefore the traffic impact assessment demonstrates existing junction operation and additional committed development traffic only.

9.13.23. In respect of cumulative impact, the traffic assessment considered permitted not yet constructed developments in the vicinity, including a permitted foodstore. The traffic flows for this development were extracted from the traffic impact assessment undertaken by TPS Ltd. and added to the network to form the Base (cumulative assessment) scenario (Appendix 9D). The EIAR concludes that cumulatively the proposed development can be accommodated within the surrounding road network.

9.13.24. An Taisce, in its submission, states that Chapter 9 of the EIAR fails to justify the need for the new vehicle junction as a pedestrian link can be provided without demolition of buildings, noting that there is no vehicle transport need to create a new access off Dublin street. The claim to modal shift from car transport is inaccurate – the proposal increases vehicle movement with the town centre.

9.13.25. Eddie O’Gara’s submission raises specific issues relating to Chapter 9, Traffic & Transportation of the EIAR, in particular: referring to the predicated traffic along the southern side of Dublin Street which he argues would sever pedestrian priority along Dublin Street.

Potential Impacts during Construction

9.13.26. The following impacts during construction are likely:

- Loss of buildings/opportunity to reuse;
- Noise, dust and potential disruption to business trading;
- Disruption to existing car parking spaces within the site area ;
- Works to improve the water and sewage networks will potentially disrupt services during the construction period;
- Poor management of demolished or excavated waste could lead to the required disposal to landfill of waste deemed unsuitable for reuse or recycling;
- Incorrect segregation, storage, handling and transport of waste could lead to adverse effects on human health and litter.

Potential Impacts during Operation

9.13.27. The following impacts during operation are likely:

- Provision for new frontages onto the new urban spaces;
- Reduction of car parking;
- Improved connectivity and pedestrian use/ opportunities;
- Improved infrastructure services to cater for future development;
- Use of aggregate for earthworks and surfacing;
- Generation of waste and litter.

Mitigation Measures

9.13.28. Mitigation measures include:

- Preparation of a construction stage traffic and pedestrian management plan, including temporary HGV traffic will only access the site during off-peak commuter times, i.e., after 9am and before 5pm.
- Preparation and adherence to a Construction Environmental Management Plan (CEMP), relevant measures include:
 - implement a wheel washing system and road-cleaning until earthworks are completed to reduce track-out on roads;
 - Transportation of dusty/fine materials will be conducted in enclosed vehicles;
 - Engine switch-off when stationary;
 - Imposition of a 20km speed limit.
 - Setting out waste management methods and requirements.
- Preparation and adherence to the Demolition & Construction Waste Management Plan (DCWMP); All waste generated will be managed at appropriately authorised waste management facilities.
- Removal of contaminated soil with Japanese Knotweed must be done under licence and disposal to landfill must be legally transported by a licenced waste carrier, to a licensed landfill site, under the guidance of an Ecological Clerk of Works and an Environmental Manager.
- Removal of asbestos by a specialist contractor.
- Correct segregation, storage, handling and transport of all waste will be required to ensure there are no adverse effects on human health and that litter is not generated.
- Sorting of waste and disposal to suitably licensed facilities.
- in order to divert waste from landfill, possibilities for reuse of inert demolition material as fill on site will be considered.
- Waste auditing and recording, including final report.

- During operation, litter bins will be provided and maintained.

Residual Effects

- 9.13.29. All vehicle movements to and from the site will remain as per the existing operation and so the proposed development will have a neutral impact on the adjacent existing road network. The development is designed in accordance with the Design Manual for Urban Roads and Streets, prioritising vulnerable road users and facilitating pedestrian connections, which will have a significant positive impact on traffic and transport in the town centre in the medium to long term.
- 9.13.30. The residual impact of the operational phase in relation to waste management is predicted to be neutral.

Assessment

- 9.13.31. Impact arising from construction will be short term and will be taken forward in consultation with the owners of potentially impacted properties following engagement.
- 9.13.32. A detailed junction capacity analysis was undertaken using approved traffic modelling software. The results demonstrate that the site access points associated with the proposed development are predicted to operate within capacity for all assessment years and scenarios considered and with the cumulative development traffic added to the surrounding road network.
- 9.13.33. The proposed development will significantly improve pedestrian facilities within the scheme area.
- 9.13.34. On waste, a carefully planned approach to waste management and adherence to a Site Waste Management Plan (SWMP) during the construction and installation phase will ensure that the waste effects on the environment will not be significant.
- 9.13.35. The proposed development will result in the direct improvement of site services, such as waste and water, which will cater for future development in the area.
- 9.13.36. Overall, I am satisfied that subject to implementation of mitigation measures there will be no significant direct, indirect or cumulative effects on material assets arising from the proposed development.

9.14. Archaeological, Architectural and Cultural Heritage

9.14.1. Chapter 15 of the EIAR (received December 2023), prepared by RPS with contributions from John Cronin & Associates, deals with Cultural and Architectural Heritage. The chapter should be read in conjunction with the response to the request for further information, which includes revised drawings. Chapter 15 includes an Architectural Heritage Impact Assessment, prepared by Consarc Design Group. Appendices 15A-15E are also relevant and comprise: Photographic Record, Cultural Heritage Figures, Cultural Heritage Site Inventories, Previous Licensed Archaeological Excavations (in 2021) and Placenames Review. The assessment was informed by a desk-stop study, site inspections and fieldwork – which comprised a limited programme of archaeological investigation.

9.14.2. Chapter 2 of the EIAR (received December 2023) 'Project Description' is also relevant, as is Appendix 2i Design Statement prepared by McAdam Design Ltd – which was submitted in response to the request for further information – and includes a Public Realm Design Statement prepared by Optimised Environments Limited (Open I SLR).

9.14.3. The updated collection of drawings submitted in response to the request for further information includes site clearance plans which were not updated to reflect the proposed amendments, specifically, the proposal to now retain the outhouse pertaining to no. 24 Dublin Street, considered to be within the curtilage of the protected structure. I note, however, that its retention is provided for in the updated general arrangement plans.

9.14.4. In summary the key elements of the proposed development from a cultural and architectural perspective are:

- Demolition of 4 no. two storey street frontage buildings and associated outbuilding on Dublin Street (no's 8-11), including a former protected structure (No. 10);
- Creation of a new fully pedestrianised street (Charles Gavan Duffy Place) that connects Dublin Street through to the backland areas;
- Public realm proposals for 3 no. existing alleyways that provide enhanced connections between Dublin Street and the backlands quarter that will also

provide opportunities for new frontage development and encourage the reuse and adaption of existing building in these locations.

- Enhanced vehicle and pedestrian/cycle connections from Macartan Road to the backland area, including improved connections between the Lower Courthouse area and the new Charles Gavan Duffy Place and the alleyways, and around the backland area to create new serviced development plots for future mixed use development, connected to the both the historic town centre and the wider road network.
- Depths of up to 2.6m across an area of c. 3,700ms will be excavated for the future block development areas, while the area for the proposed attenuation and soakway requires excavation to a depth of 2m.
- There are two recorded archaeological sites within the proposed development boundary, comprising a castle or fortified house (MO009-060003-) and associated bawn (MO009-060013-) built in the early 17th century. There are a further 10 within the surrounding study area, see Table 15.6 of the EIAR. The entire development site is located within Monaghan Town Area of Archaeological Importance and the National Monuments Service Zone of Notification for the historic settlement of Monaghan.

9.14.5. There are nine NIAH structures within or directly adjacent to the development area, these are set out in Table 15.8 of the EIAR, several of which are listed as protected structures in the MCDP 2019-2025.

- No. 10. Dublin Street, listed as the 'Birthplace of Charles Gavan Duffy', NIAH ref. 41303129, was removed from the record of protected structures in May 2021 (formerly RPS ref. no. 41001071). It is proposed to demolish this structure as part of the proposed development.
- The curtilage of another protected structure ref. 41001056, at 24 Dublin Street, referred to as 'Ballywollen Lounge' or 'Sherry's', NIAH ref. 41203130, protected structure is also located within the site boundary. It was originally proposed to demolish the outhouse to the rear of Sherry's public house which is within the curtilage of the protected structure. Following the request for further information, it is now proposed to retain the outbuilding.

- Monaghan Town Hall comprising Monaghan County Council offices is a protected structure, ref. 41001080, to the east of which is an existing alleyway. Works are proposed to this alleyway as part of the proposed development.
- Monaghan Courthouse, protected structure ref. 4100170, adjoins the site to the north-west boundary.
- 14 Church Square, protected structure ref. 'Local 8', (NIAH ref 41303124) adjoins the site to the northwest.
- Saint Patrick's Church, Church Square, protected structure ref. 41001091, bounds the site to the north.
- First Monaghan Presbyterian Church, Old Cross Square, protected structure ref. 41001050 and associated graveyard, protected structure ref. 41001252 bounds the site to the east.
- There are 4 no. protected structures (54-57 Dublin Street) opposite the location of the four buildings to be demolished on Dublin Street.

9.14.6. The proposed development is partially located within the Dublin Street Architectural Conservation Area (ACA), indicated to be nos. 15, 31-50, 58-59, 63-64 as per the MCDP and adjoins and Church Square ACA to the north-west. The Diamond ACA is located to the north of the site.

9.14.7. Submissions from the Department of Housing, Local Government and Heritage, An Taisce, the Heritage Council and Eddie O'Gara raise concerns regarding archaeological, cultural heritage and architectural impacts.

9.14.8. Regarding EIAR concerns, An Taisce states the EIAR fails to consider alternative design options for the removal of the four buildings on Dublin – that their removal is not required/justified. Also, that the EIAR fails to properly assess the significance of no. 10 Dublin Street, the birthplace, of Charles Gavan Duffy and fails to address the concerns raised about the demolition of no. 10 Dublin Street in the consultation process. The credibility of the Architectural Heritage assessment is questioned when it relies on the 2020 Consarc (Conservation) report to justify the scheme.

9.14.9. The Heritage Council states that the EIAR makes no reference to 'Places for People: National Policy on Architecture' and as a result fails to embrace the recent 'cultural

shift' towards quality design-led, people-focused urban areas. Also, that the EIAR fails to address built heritage and fails to demonstrate how it delivers a much-enhanced public realm. The EIAR fails to include a requirement for a Heritage Impact Assessment prior to the demolition of a strategic stretch of built heritage streetscape. Objecting to the demolition of the former protected structure and birthplace of Charles Gavan Duffy, the cultural value and significance of the structure is not included in the EIAR.

9.14.10. The Eddie O'Gara submission, on behalf of 'Love Monaghan Save Dublin Street', raises concerns with respect to Chapter 15 of the EIAR that the AHIA is supported by the Consarc Report that predates the application and requests that this section of the report must be dismissed. It is also stated that there is little text regarding the impact on protected structure known as Sherry's, including outbuilding to be demolished.

9.14.11. As part of the response to the Request for Further Information, the applicant has indicated that it has engaged further with the Department of Housing, Local Government and Heritage in relation to the issues raised by the Department. Regarding impact on built heritage, the Department has indicated by correspondence to the applicant (dated 15th May 2023, Appendix 3b of Volume II of the updated EIAR) that it is now inclined to set aside observations detailed in its previous submission to An Bord Pleanála. It further states that the potential of this area to contain significant archaeological deposits subsurface is considered moderate to low.

Potential Impacts during Construction – Archaeology & Cultural Heritage

9.14.12. Potential impacts arising during construction include:

- The proposal will result in the removal of the cultural and historical former place of residence of Charles Gavan Duffy, No. 10 Dublin Street.
- There is potential for significant impact of a direct nature on two recorded archaeological sites (Castle MO009-060003- and Bawn MO009-060013-) and other unknown archaeological remains during the construction phase.

Mitigation Measures – Archaeology & Cultural Heritage

9.14.13. The following mitigation measures are proposed:

- archaeological monitoring of all groundworks – if archaeology is discovered, groundworks will stop and methodology to mitigate the impact will be submitted to the National Monuments Service for approval. Archaeological remains will be avoided and preserved in situ where possible or preserved by record where it is not possible.
- Supervised topsoil stripping (in grass areas) and the removal of overburden should be undertaken using a mechanical excavator with toothless bucket.

9.14.14. Although not provided for in the documentation with the application, the CEMP should provide for archaeological mitigation. This will ensure the integrated management and protection of the archaeological and cultural heritage environment of the development site.

Residual Effects – Archaeology & Cultural Heritage

9.14.15. In the absence of mitigation, there are potential direct negative impacts on subsurface remains that may be significant.

Assessment - Archaeology & Cultural Heritage

9.14.16. The overall archaeological potential of the proposed development site is considered low, given the fact that most of the development area has been subject to ground reduction due to modern interventions and previous developments may have impacted on potential archaeological layers. However, given the existence of the two archaeological monuments on site (castle or fortified house, MO009-060003-, and associated bawn, MO009-060013-) and the site's presence within the area of archaeological potential for Monaghan town there is potential, in the absence of mitigation, for significant impact of a direct nature during the construction phase.

9.14.17. The overall visual impact on archaeological monuments is negligible, having regard to the fact that the two archaeological monuments on site (castle or fortified house, and associated bawn) are below ground with no expression above ground remaining.

9.14.18. I note that no specific concerns were raised by third parties or prescribed bodies with regard to archaeological impact, and I am satisfied that there are no predicted cumulative effects on archaeology and cultural heritage. The CEMP should be updated to provide for archaeological mitigation. Having regard to the findings of

the EIAR and having regard to the proposed mitigation measures, which are standard measures for developments of this nature, I am satisfied that subject to mitigation measures there will be no significant impact on archaeological aspect of cultural heritage as a result of the proposed development.

Potential Impacts during Construction – Architectural Heritage

9.14.19. Potential impacts arising during construction include:

- Demolition of 4 no. street buildings, and associated outbuilding, which form part of the historic fabric of the town centre, one of which is recorded on the NIAH survey of a regional rating.
- The proposal will alter the character and setting of the Dublin Street ACA as it is proposed to remove a section of streetscape on Dublin Street.
- It will alter the vista of protected structures opposite the buildings to be demolished. No's 54-57 Dublin Street are attractive south-facing stone-faced structures which will have commanding views over the proposed pedestrian street (Charles Gavan Place) and towards the backlands of Dublin Street.
- The proposal will alter the character and setting of protected structures both within the site and in the vicinity during demolition works, site clearance and construction works particularly with traffic movement.

Potential Impacts during Operation– Architectural Heritage

9.14.20. Potential impacts during operation are limited to visual impacts including those relating to character and setting of Dublin Street ACA and adjoining protected structures.

Mitigation Measures– Architectural Heritage

9.14.21. The structures proposed for demolition shall be recorded prior to demolition and a full inventory prepared, (conservation by record) and shall be monitored by a conservation architect during demolition to record evidence of historic fabric that may be uncovered.

9.14.22. Any original fabric shall be saved and stored for future reuse elsewhere in the town.

9.14.23. Proposals within and adjacent to the ACA should be carried out in accordance with best conservation practice.

9.14.24. Temporary site hoarding is proposed during construction to minimise visual impact.

Residual Effects– Architectural Heritage

9.14.25. The effect upon completion will be permanent and significant as part of the setting of the Dublin Street ACA will be demolished. New vistas will be created to/from Dublin Street at the proposed new street / ope. These works should act as a catalyst to attract further development in the area, leading to an overall enhancement of the area.

Assessment– Architectural Heritage

9.14.26. With respect to architectural heritage, the visual impact on Dublin Street ACA and associated protected structures (opposite the proposed ope) arising from the proposed demolition of part of Dublin Street is discussed below and includes an assessment of impact on No. 10 Dublin Street, the former residence of Charles Gavan Duffy, and ‘Sherry’s’ No. 24 Dublin Street (protected structure ref. 41001056). The EIAR incorrectly lists Seamie McKenna’s Pub as a protected structure (62 Dublin Street); this building is however considered in the context of impact on Dublin Street ACA.

9.14.27. I firstly examine the impact of the proposed development on each of the protected structures/groups of protected structures before considering the impact of the proposed development on Dublin Street ACA, The Diamond ACA and Church Square ACA. While other ACAs are in the vicinity, these are either separated by one of the aforementioned ACA’s or are of sufficient distance from the site such that no impacts from the proposed development on these ACAs arise.

No. 24 Dublin Street (Sherry’s)

9.14.28. No. 24 Dublin Street (Sherry’s Public House) NIAH reg. no 41303130, record of protected structures ref. 41001056 is, according to the NIAH survey, of ‘regional importance’ noting that the building is taller than its neighbours and adjacent to a lane/alleyway leading to rear outbuildings. It makes a strong impression in the streetscape. The use of brick provides good textural contrast to surrounding

rendered buildings. The shopfront enhances the ground floor and retention of timber sash windows contributes to its heritage value. The outbuilding to the rear was originally proposed to be demolished as part of the development, however, in response to the concerns raised and the request for further information, which recognise that where a structure is protected, the protection includes the structure, and other structures within that curtilage, the applicant is now proposing to retain the outbuilding. This outbuilding, a whitewashed stone building, has the benefit of planning permission for retail use (under MCC reg. ref. 19465). Together with Sherry's Pub it will be refurbished with funding from the Historic Towns Initiative. I consider it appropriate that the outbuilding is retained and brought back into use and am satisfied that the revised drawings, which include for the outbuilding's retention, is acceptable and in this regard meets the objectives BHP 1, 3, 6 and 7 of the MCDP (see section 5.0 of this Inspector's Report) and chapter 13 of the Architectural Heritage Protection Guidelines for Planning Authorities (2011) which relates to the curtilage of protected structures.

9.14.29. Adjacent to Sherry's, the proposals include new natural granite paving with a natural granite 'flush trim' to the Dublin Street pavement. This surface treatment will extend into Sherry's alley and open out to the space that will lead to the proposed new development plots. The existing pedestrian route consists of granite setts along Dublin Street; the alleyway to the side and rear of Sherry's is a concrete surface.

9.14.30. Regarding the new paving and enhancement works, the proposed finished will in my opinion complement the new space to be created along this alleyway, creating an attractive environment, and should encourage new outdoor uses and pedestrian movements. The proposed design is consistent with other public realm schemes throughout the town, and it is considered that it will not negatively or directly impact the Protected Structure.

9.14.31. I note the concerns raised by the Heritage Council, the Department and Eddie O'Gara regarding the demolition of the outbuilding to Sherry's pub are no longer relevant, as it is now proposed to retain this outbuilding.

No's 54-57 Dublin Street

9.14.32. This group of 4 buildings, 54-57 Dublin Street, are listed in the record of protected structures (ref. 41001181, 41001180, 41001179 and 41001178

respectively) and are described as ‘terraced three storey house’ in the MCDP 2019-2025, Appendix 2(b). These are not included in the NIAH survey. They have attractive stone façades and relative intact shop front stone archways.

9.14.33. No’s 54-57 Dublin Street are directly opposite No’s 8-11 Dublin Street which are proposed to be demolished. It is also proposed to create traffic calming measures on Dublin Street, part of the N54 national road network, at this location, in the form of raised platform with paving.

9.14.34. In my opinion, I concur with the EIAR that the proposed scheme will enable these buildings to become prominent elements in the townscape as new focal points within longer range views and represents an appropriate northern elevation to frame the new public space. I am satisfied based on the foregoing that there is no material or negative impact on the 54-57 Dublin Street.

Other Protected Structures

9.14.35. The remaining protected structures which have, in my opinion, the potential to be visually impacted as they will be seen from the proposed site/development are listed below:

- First Monaghan Presbyterian Church (protected structure ref. 41001050)
- Monaghan Town Hall (protected structure ref. 41001080)
- St. Patrick’s Church (protected structure ref. 41001091)
- Former Rectory (protected structure ref. Local 8)
- Monaghan Courthouse (protected structure ref. 41000170)
- Dawson Street Assembly Rooms (protected structure ref. 41000175)
- Monaghan Methodist Church (protected structure ref. 41000176).

9.14.36. Much of the works involve previously developed/surfaced lands which will be cleared and resurfaced or left undeveloped /vacant with potential for future development. The expanse of existing car parking tight to the boundaries of the Courthouse and St. Patrick’s Church could already be considered to have impacted the setting and character of these two protected structures and, in my opinion, there is no greater or additional impact on these two protected structures arising from the proposed development. I am satisfied too that the due to the location of the

remaining structures: the Methodist Church, Dawson Street Assembly Rooms, Former Rectory, the Presbyterian Church and Monaghan Town Hall, and having regard to the nature of the proposed works at ground level / below ground level and comprising installation of services, resurfacing, landscaping, car parking and public realm works that there will be no undue adverse impact on the above listed protected structures, either directly, or indirectly.

Dublin Street ACA

- 9.14.37. As stated above, according to the MCDP, the Dublin Street ACA comprises no.15, no's 31-50, no's 58-59 and no's 63-64 Dublin Street. In addition, no's 54-57 Dublin Street and Sherry's no. 24 Dublin Street are protected structures and undoubtedly contribute to the character and setting of the ACA.
- 9.14.38. Relevant development plan policies relating to architectural heritage and ACA's is set out above in section 5.10 of this Inspector's Report and is not repeated here. The principal of demolition of No's 8, 9, 10 and 11 Dublin Street is explored in Section 8.1 of this Inspector's Report. Their removal is to make way for a new street/place which is a fundamental component of the Dublin Street Regeneration Plan, appendix 20 of the MCDP 2019-2025. As concluded in section 8.1, the principle of demolition of these buildings is supported by Development Plan policy.
- 9.14.39. No. 10 Dublin Street, a former protected structure, is identified in the National Inventory of Architectural Heritage (NIAH) Survey (ref. 41303129) as a building of regional significance and according to the survey record is notable for being the birthplace of the Irish nationalist and Australian politician Charles Gavan Duffy. The terraced three-bay three-storey house-over-shop, built c.1810 is described as a modest building with typical characteristics of buildings in Irish provincial towns, such as the shopfront and the archway allowing access to a yard to the rear. These structures, Nos. 8, 9, 10 and 11 Dublin Street, are not identified as buildings forming the Dublin Street ACA however, they can be considered to be a part of setting of the ACA as they adjoin the ACA. I agree with the EIAR wherein it states that they do contribute to the character of Dublin Street streetscape by way of their varied architectural interest but have little group value. The EIAR further states that the majority are characterised by long term under-use and vacancy/dereliction (both building and rear spaces). I agree with the EIAR, that in this context, this group of

buildings do not significantly contribute or positively enhance the overall character and appearance of the setting of the ACA, which is not to say that their demolition is beneficial to the ACA.

9.14.40. Section 82 of the Planning and Development, 2000, as amended, requires planning authorities, in considering an application for permission for development for land situated in an ACA, to take into account the material effect (if any) that the proposed development would have on the character of the area. According to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) in considering proposals to demolish a structure that contributes to the character of an ACA, the planning authority should consider the effect both on the character of the area and on any adjacent protected structure. When it is proposed to demolish an undistinguished building in an ACA, the proposed replacement should not adversely affect the character of the area.

9.14.41. In citing the Government's Town Centre First Policy, the Historic Towns Initiative and Housing for All policy which support the regeneration and revitalisation of town centres, the Department of Environment, Heritage and Local Government in their submission (dated 21st November 2022) express concerns regarding the number of buildings proposed for removal and called for consideration of re-making/repairing the street-fronted buildings and using pedestrian archway routes. The Department references the enclosed space and curved line of Dublin Street connecting the central historic spaces of The Diamond and Old Cross Square, adding that the elements that are part of the setting and character of this place include the scale and rhythm of the street-fronted building, arched entrances to the long plots to the rear, and that in this context, the breaking and opening out of the historic streetscape to a surface carpark would not have a positive impact on the cultural significance of the place, the urban form and the coherence of the town plan.

9.14.42. In addressing the concerns raised by the Board, the applicant removed the vehicular traffic element from the proposed Charles Gavan Duffy Place. The most recent correspondence from the Department is addressed to the applicant dated 15th May 2023, and can be found at Appendix 3B of the EIAR (as updated) stating that it now has a clearer understanding of the nature, purpose and extent of the development and that the vernacular nature of the impacted buildings, the extensive and intrusive interventions made over the decades, and irreversible loss of original

fabric, detail and aspect, the Department are now inclined to “*set aside*” earlier observations. The Department now note that the proposed intervention will “*work to retain historic urban legibility curves while creating a portal to a vibrant town civic space, with appropriate recognition of the historic and cultural backdrop...that this pedestrian priority interconnection draws on the historic precedent of pedestrian archways routes in the town.*”

9.14.43. In my opinion and having regard to the Department’s submission, elements of the character of Dublin Street include:

- enclosed space and curved line of Dublin Street
- connecting the central historic spaces of the Diamond and Old Cross Square
- scale and rhythm of the street-fronted building
- arched entrances to the long plots to the rear
- fine-grain historic town centre.

9.14.44. In terms of enclosure, the proposed pedestrian Charles Gavan Duffy Place will be at least twice as wide as Dublin Street at 20m. This is a significant departure in scale from Dublin Street. The sense of enclosure that is presently found on Dublin Street will be altered and perhaps jar against the expanse of the new street. The connection to central historic spaces will be permanently interrupted by the scale of opening to the backlands. While one arched entrance will be lost, other pedestrian connections, including arched entrances, will be enhanced by the proposal. The removal of the 4 no. street buildings will result in the loss of part of the fine grain historic town centre, and the challenge going forward, should the Board be minded to grant permission, is to create a streetscape that complements the historic town centre, one which does not necessarily reflect a generic modern response with no local defining character. I note the revised drawings submitted as part of the response to the request for further information, which indicate new retaining walled gables to the existing buildings either side of the new ‘opening’. The proportion, form and fenestration relief of these gable elevations is, in my opinion, an appropriate treatment to the new street corners.

9.14.45. In my opinion, the proposed CGDP, as amended, will create an interesting focal point for the protected structures (54-47 Dublin Street) to the north of those to

be demolished which, by virtue of their architectural quality and south facing facades, should enhance the proposed CGDP in due course when, as envisaged, the new street will be framed by buildings. In addition, the proposed demolition of structures will create improved vistas of protected structures, the Dublin Street ACA and The Diamond ACA from within the site. Likewise, the dedicated pedestrian street (the CGDP) and public realm works will create an inviting environment to the Dublin Street ACA.

9.14.46. Until such time as a scheme is developed for (i) the streets which will front CGDP and (ii) the new development blocks in the backlands, fencing will be erected along new street frontage. This will have a negative impact on views to and from Dublin Street ACA but will be temporary in nature, pending the development of development plots/areas.

9.14.47. To conclude, while I consider the proposal to be a significant and bold intervention, I do not consider that the demolition of the 4 no. Dublin Street buildings to be detrimental to the overall character of the Dublin Street ACA. The success of the project, in my opinion, very much lies in the form, scale and design of the buildings which will enclose the CGDP.

The Diamond ACA

9.14.48. The Diamond ACA is described as an 'important urban space and focal area' in the MCDP. Due to the curvature of Dublin Street, it is barely possible to view the buildings to be demolished from The Diamond ACA. For this reason, I am satisfied that the proposed development, in particular the demolition of buildings on Dublin Street, will not have a significant impact on The Diamond ACA.

Church Square ACA

9.14.49. Church Square ACA is described as an 'important urban space and focal area' in the MCDP. The proposed demolition works to No's 8-11 Dublin Street will not be visible from Church Square ACA and so no impact arises in this respect.

9.14.50. With respect to the works in the Courthouse car park and to the rear of St. Patrick's Church there will be a level of interruption of views from within the site to these structures and other structures in Church Square ACA during construction; this interruption will be temporary and negligible.

9.14.51. During the operational phase, there will be a slight aesthetic improvement proximate to the rear boundaries of the Church and the Courthouse as the surface car park will be upgraded. Additional vistas of the Courthouse and the Church will emerge as the backlands are opened up for development and new streets are created. Until such time as the new development plots are developed there will be an element of incompleteness in this area. While the applicant has made every effort to portray a future version of new streets with street frontage buildings, until such time as permission is granted and these are developed, the large development plot areas will be surrounded by fencing, which will detract somewhat from certain vistas towards the ACA and protected structures. The purpose of the development is to attract investment and to increase levels of activities in this part of Monaghan town centre, and in time it is anticipated these development plots will be built out and so I am satisfied that visual impact of works will be temporary in nature and not significant.

Conclusion: Archaeological, Architectural and Cultural Heritage

9.14.52. Given the presence of archaeological monuments on site, the proposed development may result in direct effects on the archaeological remains on site.

9.14.53. The proposed development will result in some significant direct effects in respect of architectural and cultural heritage i.e., the demolition of 4 no. buildings on Dublin Street, one being the former residence of Charles Gavan Duffy, will significantly alter the setting of the Dublin Street ACA and the protected structures opposite the proposed Charles Gavan Duffy Place. While significant, I do not consider the impact to be detrimental to the overall character and setting of Dublin Street ACA or to the protected structures either opposite the new square or adjoining the site boundary.

9.14.54. Overall, I am satisfied that with proper implementation of mitigation measures and best practice measures, together with implementation of environmental commitments under the Construction Environmental Management Plan, no significant direct, indirect or cumulative adverse effects on archaeological, architectural or cultural heritage are likely to arise.

9.15. Landscape & Visual Impact

- 9.15.1. Chapter 14 of the EIAR, as updated, deals with Townscape and Visual Impact. The submitted Townscape and Visual Impact Assessment (VIA) considers the townscape character impact and the visual impact of the proposed development. A total of six viewpoints were selected around the site and four were chosen within the site. Photomontages, contained in Volume III of the EIAR are, generally, compared to the baseline. Future buildings, not forming part of this current scheme are indicated, framing proposed streets.
- 9.15.2. Following concerns raised by third parties, the applicant in response to the request for additional information, indicated that the methodology used has been derived from the Guidelines for Landscape and Visual Impact Assessment, 3rd Ed. (The Landscape Institute) and has included an additional viewpoint (06) indicating the view from Dublin Street into the backlands. The applicant provides clarity over the type of camera and lens, camera positions and equipment used. In my opinion, the applicant has submitted a satisfactory response to the concerns raised regarding the methodology of the VIA.
- 9.15.3. The majority of the proposed site is currently underutilised backlands located to the rear of Dublin Street. In addition, there is extensive off-street surface parking with immediate access to Monaghan Shopping Centre. The adjacent built environment is largely characterised by commercial buildings of mixed scale, style and quality, with dereliction/dilapidation apparent along the rear of properties on Dublin Street. Existing buildings on the frontage of Dublin Street also exhibit signs of decay and there are a high number of vacant units at street level to the east.
- 9.15.4. The proposed development is partially located within the Dublin Street Architectural Conservation Area (ACA), indicated to be No's 15, 31-50, 58-59, 63-64 as per the MCDP and adjoins Church Square ACA to the north-west. The Diamond ACA is located to the north of the site. There are 4 no. protected structures (54-57 Dublin Street) opposite the location of the four buildings to be demolished on Dublin Street. There are other NIAH structures and protected structures adjacent to the development site. Impact, including visual impact, on these structures is assessed in 9.14 and will not be repeated here.

- 9.15.5. There are two recorded archaeological sites within the proposed development boundary, comprising a castle or fortified house (MO009-060003-) and associated bawn (MO009-060013-) built in the early 17th century. There is no above ground indication of this site and the EIAR notes that its exact location is unknown. There are a further 10 archaeological sites within the surrounding study area. The entire development site is located within Monaghan Town Area of Archaeological Importance and the National Monuments Service Zone of Notification for the historic settlement of Monaghan. Impact, including visual impact, on these structures is assessed in 9.14 and will not be repeated here.
- 9.15.6. Monaghan County Council completed a Monaghan Landscape Character Assessment (MLCA) in 2008 which indicates that the proposed development lies within LCT 14 – Urban and, LCT 5, - Monaghan Drumlin Uplands. The MCLA is not included as an appendix to the MCDP, nor does it include any description of LCT 14. LCT 15 Monaghan Drumlin Uplands relates generally to farmed areas, save for a reference to the fact that the elevated landscape overlooks the town of Monaghan from the south. In the absence of a description of LCT 14, the EIAR describes Monaghan town based on a number of townscape character areas. In respect of the town centre, it states that the town centre is generally enclosed in character allowing only short distance views. There are no designated scenic routes or views in the area that would be impacted by the proposed development, nor is the site in an area of ‘Primary’ or ‘Secondary amenity areas’ which are set out in tables 6.5 and 6.6 of the MCDP. Having regard to the presence of ACAs and distinctive urban features, I agree with the EIAR that the sensitivity of the town centre area is judged to be medium.
- 9.15.7. A description of the proposed development is described at section 14.5 of the EIAR. Of relevance is the demolition of N’s 8-11 Dublin Street, and that upon demolition new gable façades to No’s 7 and 12 Dublin Street will be formed to facilitate the creation of a new, civic space linking Dublin Street to the backlands. This space will include new paving, boundary walls, street lighting and furniture, soft landscaping including trees, and associated drainage infrastructure.
- 9.15.8. In respect of submissions received, An Taisce states that the EIAR does not properly assess the impact on the visual receptors in Dublin Street, that the individual and combined magnitude of impacts should properly be described as ‘high’ or ‘major’;

that the proposed 'civic space' is unjustified, would leave a gash in the street and fail to create a space of unified character or enclosure.

9.15.9. The Heritage Council, in its submission, considers that the EIAR lacks detail on how the overall design rationale was informed and guided by the adopted regeneration plan for Dublin Street South, does not include a detailed design statement and that the proposed materials have no local context.

9.15.10. The Eddie O'Gara submission raises concerns with respect to Chapter 14 of the EIAR. It contests that the Townscape Character and Visual Impact Assessment was carried out in line with the methodology and considers the application downplays the magnitude of impact on Dublin Street and fails to consider the view from Dublin Street to the backlands. It also contests the EIAR view that the proposal is beneficial to the ACA, when buildings are to be demolished. States that the viewpoints are not verified and the entire Chapter 14 must be disregarded.

Potential Impacts during Construction

9.15.11. The works (demolition) will permanently alter the character and setting of the Dublin Street ACA as it is proposed to remove a section of streetscape on Dublin Street, however it will enhance the vista of protected structures opposite the buildings to be demolished (no's 54-57 Dublin Street).

9.15.12. During the construction phase, the impacts are considered adverse direct and generally temporary, most likely to be as a result of movement of construction machinery within the townscape/landscape, construction of new structures and construction activities within the site boundary.

Potential Impacts during Operation

9.15.13. The operational phase of the proposed development will result in vertical elements (buildings) being visible within the surrounding landscape. The predicted magnitude of impact is considered to be positive, direct and limited to the immediate boundaries and those portions of the town centre area with unobstructed views towards the proposed development site. Until such time as the development plots and backlands are developed, there will be a transient appearance where, for example, new streets will be faced with hoarding or fencing. I consider this will have a temporary negative impact on the townscape but in the context of the overall planned redevelopment of area is not significant.

- 9.15.14. The photomontages and visual effect on the selected visual receptors is described in section 14.7 of the EIAR. I agree with the findings of the EIAR that predicted visual impacts are generally moderate positive or moderate to major positive.

Mitigation Measures

- 9.15.15. A site compound, including site accommodation, together with hoarding, scaffolding, cranes and other associated temporary works will be required during the construction phase.
- 9.15.16. It is proposed to provide a hard and soft landscape scheme within the site boundary to enhance the streetscape and public realm environment immediately surrounding the proposed development in order to help the development enhance the amenity of the area.
- 9.15.17. A landscape management plan will be prepared to ensure the healthy establishment of all trees.

Residual Effects

- 9.15.18. The development will become a long-term feature and should be the catalyst for development and regeneration in the area.

Cumulative Effects

- 9.15.19. In terms of cumulative impact, permitted developments were considered in the EIAR and no significant cumulative effects are predicted. It was determined that the change of use permission for the outbuilding to the rear of no. 24 Dublin Street will complement the proposed development with no significant effects predicted.
- 9.15.20. There are a number of adopted regeneration plans and other strategies in the area which are considered relevant, these include the South Dublin Street Regeneration Plan (Appendix 20 of the MCDP 2019-2025), Dublin Street North Regeneration Plan (variation no. 3 of the MCDP), Monaghan Land Use and Transportation Study (MLUTS) 2019-2035 and Roosky Master Plan (variation no. 4 of the MCDP). The plans for north and south Dublin Street and the Roosky lands, are synergistic and aside from being developed by the same consultants are complementary in development approach for the overall area. From a townscape and visual perspective, the cumulative effects of the proposed development with the

ongoing regeneration of the built form through the implementation of these plans in conjunction with the implementation of objectives of the MCDP will make a positive change to this part of the town. No significant negative cumulative effects are predicted as a result.

- 9.15.21. The viewpoints are generally aspirational as they indicate buildings framing the proposed streets for which permission has not yet been sought. The viewpoints therefore represent the cumulative impact of an overall aspirational development for the area.

Assessment - Landscape & Visual Impact

- 9.15.22. The ACAs, associated streetscape and buildings, the protected structures, historical, archaeological monuments, the broader landscape particularly the elevated land to the south of Monaghan Town contribute to the setting and character of this site.

- 9.15.23. It is acknowledged that a moderate to major visual impact will occur at the site and residual visual effects will be highest in short distances given the general enclosure of the town centre. Significant effects upon townscape character are expected to be contained to the immediate vicinity of the site boundaries due to the enclosing nature of the urban form surrounding the site. The development will alter the existing townscape character along the south of Dublin Street. Having regard to the site context, the enclosure of Dublin Street, and limited views to and from the site, I am satisfied that there will not be significant direct or indirect adverse or cumulative impacts on the townscape or visual amenities of the area.

9.16. Vulnerability of the Project to Major Accident and/or Natural Disaster

- 9.16.1. Article 3 (1) of Directive 2014/52/EU and Schedule 6 of the Planning and Development Regulations, 2001 (as amended) require a description of the expected significant adverse effects of the project on the environment deriving from the vulnerability of the project to risks of major accidents and/or disasters which are relevant to the project concerned. This includes both the potential to cause accidents / disasters and the vulnerability of the project to potential accidents/disasters.

- 9.16.2. The EIAR does not contain a specific section identifying any major accidents or natural disasters that have the potential to affect the proposed development,

however, various risks are considered throughout the EIAR in the context of the following: water, soils, geology and contaminated land, biodiversity, air quality, climate and waste. Having regard to its nature, scale and location, I am satisfied that the proposed development does not pose a major hazardous accident risk and is not vulnerable to any potential accidents or disasters.

9.16.3. Flooding is a natural disaster that could potentially affect the proposed development site, identified as a portion of the site along the Shambles River, to the south. OPW mapping and the MCDP Strategic Flood Risk Assessment confirms that the site is within a flood risk area. Notwithstanding this, I agree with the EIAR the proposed development is a less vulnerable land use at the location of flooding, being a carpark and can be considered a water compatible development in this instance as a car park exists at this location. SuDS drainage systems are provided throughout the project site including porous paving over a substantial area of the car park with an attenuation system and an infiltration trench on the grass verge on the south side of the car park to provide some long-term storage in the network.

9.16.4. In the absence of mitigation, the construction of some elements of the project has the potential to have moderate / major adverse impacts on the aquatic environment. The risk to water quality posed by this proposed project during construction is dependent on the quality of drainage and treatment of site run-off before discharge to the river. Measures include barriers to pollutant export and best practice techniques to control sediment and pollutant pressures at source.

9.16.5. Asbestos is present in some of the buildings to be demolished. Asbestos, including asbestos fibres, is treated as a special material under all types of regulation and as such has its own exposure limits. It is subject to high levels of regulation and control.. The asbestos works are a matter principally for Health and Safety Authority (HSA) and will be dealt with through appropriate survey, reporting, removal and disposal as required.

9.16.6. Invasive species (Japanese Knotweed) is present on site and there is potential for spread of these species within and outside of the site and an Outline Invasive Species Management Plan accompanies the EIAR.

9.16.7. I am satisfied that given the nature of the proposed development, and the mitigation measures proposed, together with the low probability of a major accident/ natural

disaster, it is not likely that significant effects on the environment would arise in this regard.

9.17. Cumulative Impacts & Environmental Interactions

9.17.1. Chapter 16 of the EIAR details the interaction of the above factors and interactions are described throughout each chapter of the report. Table 16.1 provides a matrix of potential interaction. Table 16.2 provides a summary and in-combination effects of each of the environmental factors with the remaining factors considered in Chapter 5.0 through to Chapter 15.0 of the EIAR.

9.17.2. Cumulative effects are addressed separately in each chapter. A review was undertaken of permitted development in and around the site for the purposes of cumulative assessment. Table 1.2 indicates developments considered. There are several wider regeneration initiatives being progressed within the town at present, see section 1.4 of the EIAR. These have also been considered within the cumulative and in combination assessments. No significant cumulative effects on land use resources or material assets are anticipated. It is also considered that the townscape on this southern side of the town centre has the capacity to absorb the proposed development and the permitted developments without significant cumulative townscape and visual impacts.

9.17.3. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis.

9.17.4. In my assessment of each environmental topic, I have considered the likelihood of significant effects arising as a consequence of interrelationships between factors. Most interactions e.g., the impact of noise and air quality on the population and human health are addressed under individual topic headings. Given the generally modest impacts which are predicted to occur having regard to the nature of the proposed development, mitigation measures, or as a consequence of proposed conditions, I do not foresee any likelihood of any of these interrelationships giving rise to significant effects on the environment.

9.17.5. In conclusion, I am satisfied that there are no such effects and, therefore, nothing to prevent the granting of permission on the grounds of interaction between factors.

9.18. Reasoned Conclusions

9.18.1. Having regard to the examination of the environmental information contained above, and in particular to the EIAR and the submissions from the prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Positive indirect impacts on **population and human health** will include health and social/wellbeing benefits associated with the provision of a new public/open space in the town centre and the provision of a highly permeable layout which encourages walking and cycling.
- In relation to **biodiversity**, the spread of invasive species of knotweed is a potential significant risk however I am satisfied that subject to mitigation measures to include implementation of an Invasive Species Management Plan that the likelihood of significant impact in this regard, is minimal.
- In relation to **water** quality, there is potential for a deterioration of water quality of the River Shambles to the south of the site, which is hydrologically connected downstream to a Natura 2000 site, arising from silt, dust and petrochemical pollution. Mitigation measures includes SUDs and adherence to construction phase best practice measures including that on the control of water pollution from construction sites (CIRA, 2001).
- In relation to **material assets**, significant direct impacts include upgrades to water and drainage network in the area; the redevelopment of the site to facilitate new development and regenerate the area. In addition, improved pedestrian and cycling facilities will be provided which will indirectly benefit human health and climate change. There will be short-term effects on the local road network during construction which be mitigated by a traffic management plan.
- In relation to **waste**, the main direct effect will be in relation to the handling and disposal of asbestos and knotweed, which will be mitigated through regulation, HSA and EPA requirements.

- In relation to **cultural heritage** effects, given the existence of archaeological monuments on site and the site's presence within the area of archaeological potential for Monaghan town there is potential, in the absence of mitigation, for significant impact of a direct nature during the construction phase, this can be appropriately monitored through standard archaeological monitoring conditions. In relation to architectural heritage, there will be significant direct effects on the Dublin ACA and nearby protected structures resulting from the demolition of part of Dublin Street. The demolition of a building (No. 10 Dublin Street) on the NIAH register with a local rating of 'regional' is also significant due to its cultural and architectural significance. These proposals are plan-led, endorsed by the MCDP. Mitigation measures includes preservation by record of buildings to be demolished and reuse of original material where possible. The proposed demolition works will facilitate the creation of a new streetscape with potential for high architectural and cultural merit.
- In relation to **townscape and visual** effects, a moderate to major positive visual impact will occur at the site which are expected to be contained due to the enclosing nature of the urban form/town centre environment.

9.18.2. Having regard to the above, I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the environment. The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision.

10.0 **Appropriate Assessment**

10.1. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- Geographical Scope and Main Characteristics
- The Natura Impact Statement
- Screening
- Appropriate Assessment of implications of the proposed development on each European Site.

10.2. Compliance with Articles 6(3) of the EU Habitats Directive

- 10.2.1. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

10.3. Geographical Scope and Main Characteristics of the Proposed Development

- 10.3.1. The application site, measuring c.2.72ha, is located within Monaghan Town in the Town Centre, mainly to the rear of The Diamond and Dublin Street, and to the fore of Monaghan Shopping Centre. The surrounding area is characterised by a mix of retail, commercial, community, institutional and ecclesiastical buildings. The site comprises lands at 8-14 South Dublin Street, and lands to the rear of 1-9 The Diamond and 1-26 Dublin Street, incorporating the Courthouse and Lower Courthouse car parks at Castle Street. The Shambles River bounds the site along the southern boundary. The site generally falls, by c.2-3m, from the north to the south towards the Shambles River and from the northwest to the southeast.
- 10.3.2. The closest protected area hydrologically linked to the proposed site is Lough Neagh and Lough Beg SPA (UK9020091) which is part of the National Site Network of SACs and SPAs in Northern Ireland. The proposed development lies within the Monaghan Town groundwater body. This groundwater body does not adjoin any European site.
- 10.3.3. The proposed development, as amended, comprises the demolition of buildings and structures, including street frontage buildings No's 8-11 Dublin Street and associated outbuildings and structures and; partial removal of the rear section of the Northern Standard building fronting the Lower Courthouse car park; storage sheds, walls, and fencing. It also comprises the construction of walls and new facades/side elevations to No's 7 and 12-13 Dublin Street. Creation of new urban civic spaces, streets, junctions, pedestrian pavements, steps, and cycle routes. proposed surface water networks will include for future development within the area. A new proprietary

attenuation crate system and SuDS drainage systems are proposed. Due to the risk of flooding in the area, non-return flow valves shall be fitted to all network outfall pipes. The proposed development will have no increase in surface water flood risk. A significant network of new watermains will be installed throughout the scheme to facilitate potential future developments.

10.3.4. A considerable amount of Japanese Knotweed has been identified within the site. It is proposed to excavate the relevant areas and remove the infected material to a licensed facility, while the field survey found no evidence or potential for mobile QI species within the proposed development boundary and its surrounds. The field survey recorded the presence of herring gull within the proposed development boundary. There were no habitats offering nesting or foraging sites for any SCI species within the footprint of the proposed development.

10.3.5. The full description of works is set out in section 3.1 of the NIS and section 2.0 of this Inspector's Report.

10.3.6. In preparing this AA stage 1 and Stages 2, I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC
- EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on Article 6(3) and 6(4) of the Habitats Directive 92/43/EC

10.4. Screening for AA – Test of Likely Significant Effects

10.4.1. The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects on a European site. Section 177(AE) (3) states that where a Natura Impact Statement has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment. There is no stated requirement for the Board to undertake screening in these cases as it presupposed

that the Local Authority has established the need for AA through its own screening process (unless issues arise as to the adequacy or otherwise of the screening determination by the applicant) and in the preparation of a NIS.

10.4.2. The NIS documentation includes a Stage 1 Screening Report which concluded that a Stage 2 Appropriate Assessment was required on the basis that it was not possible to exclude the possibility of significant impacts on the Lough Neagh and Lough Beg SPA, in the absence of mitigation.

10.4.3. I note that Monaghan County Council did not provide evidence of formal AA Screening determination, instead reliance is placed on the screening test applied by RPS and this is included in the NIS.

10.4.4. In determining the potential significant effects of the project, 5 European Sites in the wider area were considered based on a potential zone of influence including those with an identifiable pathway between a receptor and the source of an effect. Refer to table 10.1, European Site considered for Stage 1 screening. Potential impacts considered included:

- Surface water pollution; and
- Spread of scheduled invasive plant species.

Other potential impacts, such as noise, lighting, vibration, human presence and changes of groundwater quality were considered and discounted as not relevant due to distance to sites.

Table 10.1: European sites considered for Stage 1 screening (Applicant)

European site (Site Code)	Qualifying Interest	Connections (source, pathway, receptor) and distance	Considered further in the screening process (Y/N)
Slieve Beagh SPA (Site code: 004167)	Hen Harrier (<i>Circus cyaneus</i>) [A082]	No hydrological connection. c.10km NW	N

European site (Site Code)	Qualifying Interest	Connections (source, pathway, receptor) and distance	Considered further in the screening process (Y/N)
Slieve Beagh- Mullaghfad- Lisnaskea SPA (Site code UK9020302)	Hen Harrier (<i>Circus cyaneus</i>) [A082]	No hydrological connection. c. 15km NW	N
Slieve Beagh SAC (Site Code UK 0016622)	Blanket bogs (* if active bog) [7130] Natural dystrophic lakes and pools [3160] European dry heaths [4030]	No hydrological connection. c. 15km NW	N
Magheraveely Marl Loughs SAC [UK0016621]	Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> formations [3140] White-clawed Crayfish <i>Austropotamobius pallipes</i> [1092] Alkaline fens [7230] Calcareous fens with <i>Cladium</i> <i>mariscus</i> and species of the <i>Caricion</i> <i>davallianae</i> [7210]	No hydrological connection. c. 12kmW	N
Lough Neagh and Lough Beg SPA [UK9020091]	Common Tern <i>Sterna hirundo</i> [A193] (breeding) Great Crested Grebe <i>Podiceps</i> <i>cristatus</i> [A005] (breeding) Great Crested Grebe <i>Podiceps</i> <i>cristatus</i> [A005] (passage) Whooper Swan <i>Cygnus cygnus</i> [A038] (wintering) Bewick's Swan <i>Cygnus columbianus</i> <i>bewickii</i> [A037] (wintering) Golden Plover <i>Pluvialis apricaria</i> [A140] (wintering) Great Crested Grebe <i>Podiceps</i> <i>cristatus</i> [A005] (wintering)	38.9km N (straight-line distance) 58.6km by hydrological connection.	Y

European site (Site Code)	Qualifying Interest	Connections (source, pathway, receptor) and distance	Considered further in the screening process (Y/N)
	Pochard <i>Aythya ferina</i> [A059] (wintering) Tufted Duck <i>Aythya fuligula</i> [A061] (wintering) Scaup <i>Aythya marila</i> [A062] (wintering) Goldeneye <i>Bucephala clangula</i> [A067] (wintering) Little Grebe <i>Tachybaptus ruficollis</i> [A004] (wintering) Cormorant <i>Phalacrocorax carbo</i> [A017] (wintering) Greylag Goose <i>Anser anser</i> [A043] (wintering) Shelduck <i>Tadorna tadorna</i> [A048] (wintering) Wigeon <i>Anas penelope</i> [A052] (wintering) Gadwall <i>Anas strepera</i> [A051] (wintering) Teal <i>Anas crecca</i> [A052] (wintering) Mallard <i>Anas platyrhynchos</i> [A053] (wintering) Shoveler <i>Anas clypeata</i> [A056] (wintering) Coot <i>Fulica atra</i> [A125] (wintering) Lapwing <i>Vanellus vanellus</i> [A142] (wintering) Waterfowl Assemblage Habitat extent Roost site locations		

10.4.5. The screening test concluded that the likelihood of significant effects could not be ruled out for one European Site in view of the conservation objectives of that site and thus the proposed development must proceed to (stage 2) Appropriate Assessment,

and an NIS prepared to inform this stage. The proposed development was ‘screened in’ for the need for AA for the Lough Neagh and Lough Beg SPA [UK9020091].

10.4.6. The Lough Neagh and Lough Beg SPA [UK9020091] site is located circa 40km north of the site, in Northern Ireland, and approx. 58km by hydrological connection via the Shambles River, the Ulster Canal, the Cor River and the River Blackwater, to the Lough Neagh and Lough Beg SPA.

10.4.7. I do not consider that there is a reasonable risk of pollution affecting conservation objectives at that distance but given that the Planning Authority consider the works to pose some risk and mitigation has been designed to address that risk I am, with an abundance of caution, taking it forward to AA (Stage 2). It is also worth stating that in preparing the County Development Plan 2019-2025, the Lough Neagh and Lough Beg SPA [UK9020091] site was not deemed to be within the zone of influence and this site was not a consideration in the AA process.

10.4.8. The SCIs of the Lough Neagh and Lough Beg SPA comprise a range of bird species, in addition to the habitat available for these species. The applicant considered therefore that any identified links between the proposed project and this European site are equally relevant to all SCIs for which the site has been designated, which all rely upon the supported habitats within this SPA.

10.4.9. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

10.4.10. Having regard to the information presented in the AA Screening Report, NIS, statutory observations, the nature, size and location of the proposed development and its likely direct, indirect, and cumulative effects, the source pathway receptor principle, and sensitivities of the ecological receptors, with an abundance of caution, I concur with the applicant’s screening determination for Lough Neagh and Lough Beg SPA [UK9020091] that AA is required. As elements of the proposed project could indirectly affect habitats and species for which this site is designated, there is likelihood of significant effects and detailed assessment is required.

10.4.11. The remaining sites can be screened out from further assessment because of the lack of a source-pathway-receptor connection to these sites, the lack of suitable habitat for species of qualifying interest and the separation distances to the European sites. It is therefore reasonable to conclude that on the basis of the

information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Sites Slieve Beagh SPA (Site code: 004167), Slieve Beagh-Mullaghfad-Lisnaskea SPA (Site code UK9020302), Slieve Beagh SAC (Site Code UK 0016622) and Magheraveely Marl Loughs SAC [UK0016621] in view of the site(s) conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for these sites.

- 10.4.12. The proposed development is not directly connected to or necessary to the management of any European site and is therefore subject to the provisions of Article 6(3).

10.5. The Natura Impact Statement

- 10.5.1. The application was accompanied by a NIS, prepared by RPS, which describes the proposed development, the project site and the surrounding area. Significant further information was received during the course of this application. The applicant states that the revised proposals have been reviewed by the RPS Ecology Team and it has confirmed that the submitted AA Screening and NIS reports remain entirely relevant to the project following the suggested amendments.
- 10.5.2. The NIS outlined the methodology used for assessing potential impacts on the habitats and species within the Lough Neagh and Lough Beg SPA. It predicted the potential impacts for this site and its conservation objectives, it suggested mitigation measures, assessed in-combination effects with other plans and projects and it identified any residual effects on the European site and its conservation objectives.
- 10.5.3. The NIS was informed by the following studies, surveys and consultations:
- A desk top study;
 - An examination of mapping data;
 - Field study – which informed habitat and protected species surveys; and
 - Reference to a number of publications, data and datasets.

- 10.5.4. The report concluded that, subject to the implementation of best practice and the recommended mitigation measures, the proposed development would not adversely affect the integrity of the Lough Neagh and Lough Beg SPA.
- 10.5.5. Having reviewed the documents and submission on the application, I am satisfied that the information allows for a complete examination and identification of any likely significant effects of the development, alone or in combination with other plans or projects, on European Sites.
- 10.5.6. No observations or submissions raised issues relevant to appropriate assessment or the NIS.

10.6. **Appropriate Assessment**

- 10.6.1. The following is an objective assessment of the implications of the proposal in view of relevant conservation objectives of the Lough Neagh and Lough Beg SPA [UK9020091]. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and assessed for effectiveness.
- 10.6.2. A description of Lough Neagh and Lough Beg SPA and its Conservation Objectives and Qualifying Interests are set out in the NIS and outlined below. The Conservation Objectives for this site are to maintain each feature in favourable condition. The following feature objectives are also listed:
- To maintain or enhance the population of the qualifying species;
 - Fledging success sufficient to maintain or enhance population;
 - To maintain or enhance the range of habitats utilised by the qualifying species
To ensure that the integrity of the site is maintained;
 - To ensure there is no significant disturbance of the species; and
 - To ensure that the following are maintained in the long term:
 - Population of the species as a viable component of the site
 - Distribution of the species within site
 - Distribution and extent of habitats supporting the species

- Structure, function and supporting processes of habitats supporting the species.

10.6.3. The targets and attributes for each of the feature interests are set out in Annex 1 of Natura 2000 data form and the Conservation Objectives supporting documents for these sites available from the Department of Agriculture, Environment and Rural Affairs website (www.daera-ni.gov.uk). I have examined the Natura 2000 data form and the Conservation Objectives supporting documents and considered them in this assessment. Mitigation measures are examined, and clear, precise and definitive conclusions reached in terms of adverse effects on the integrity of European sites.

10.6.4. Potential direct effects: The proposed development would not be located within an European site, and it is not relevant to the maintenance of any European site. No potential for direct effects having regard to the location and scale of the proposed development and to the separation distance between the works and the European site and its habitats and species.

10.6.5. Potential indirect effects: There is potential for indirect effects on this European site during the construction and operational phases. The main aspects of the proposed development that could adversely affect the conservation objectives of the European sites are surface water pollution; and the spread of scheduled invasive plant species.

10.6.6. Mitigation measures: The NIS contains a list of mitigation measures which would serve to protect the SPA and its SCI qualifying features from adverse effects, and these include:

- Construction works shall be undertaken within a framework of environmental protection practices defined in a CEMP and with good working practices during construction, incl. the CIRIA guidance for the 'Control of Water Pollution from Construction Sites' (CIRIA, 2001).
- Protection measures shall be put in place to ensure that all hydrocarbons used during the Construction are appropriately handled, stored and disposed of in accordance with recognised standards.
- Petrol and oil interceptors will be installed within the proposed drainage outfalls to prevent contaminants entering the freshwater environment.

- implementation of the Invasive Species Management Plan (ISMP) which includes for a range of measures to prevent the spread of Japanese knotweed including:
 - Appropriate fencing of Japanese knotweed to prevent the inadvertent spread of the plant during construction;
 - That all machinery entering the site during construction activities shall be free from contamination with scheduled invasive plants. This can be achieved through wheel wash stations for vehicles entering and exiting the proposed development site;
 - That materials which are introduced to the site during the construction shall be free from scheduled invasive species, with certification of such; and
 - Options for treatment or eradication of the existing stands as appropriate, in-keeping with current guidance and legislation;
 - Annual invasive species monitoring survey, until risk of spreading is removed.

10.6.7. Potential in-combination effects: in combination effects are examined within Section 6.3 of the NIS. The proposed development is considered in combination with several other projects in the vicinity of the site granted planning permission in the last 5 years, and the NI section of the cross-border Ulster Canal Greenway. The NIS concluded that they have the potential to result in surface water pollution and potentially the spread of invasive species in-combination with the proposed development. However, having regard to the implementation of the mitigation measures, I am satisfied that there would be no adverse cumulative effects on the Lough Neagh and Lough Beg SPA.

Table 10.2: AA matrix for Lough Neagh and Lough Beg SPA

Lough Neagh and Lough Beg SPA, site code: UK9020091

Key Issues:

- surface water pollution; and
- the spread of scheduled invasive plant species.

Detailed Conservation Objectives available: (Northern Ireland Environment Agency, 2015)

Special Conservation Interests	Conservation Objectives Targets and attributes (general inserted)	Potential adverse effects	Mitigation Measures
Common Tern Great Crested Grebe Whooper Swan Bewick's Swan Golden Plover Pochard Tufted Duck Scaup Goldeneye Little Grebe Cormorant Greylag Goose Shelduck Wigeon Gadwall Teal Mallard Shoveler Coot Lapwing Waterfowl Assemblage Habitat	<p>To maintain each feature in favourable condition.</p> <p>Greater detail with regard to objectives, attributes and targets is set out in DoENI Conservation Objectives form and in section 6.2.1 of the NIS.</p>	Alteration of habitat quality through diminution of water quality or invasive species	<p>Best practice pollution control measures. Application of industry standard controls, Implement CEMP in accordance with CIRIA guidance for the 'Control of Water Pollution from Construction Sites' (CIRIA, 2001).</p> <p>Suite of surface water and water quality management measures are set out in section 7.1 of the NIS.</p> <p>During operation, petrol and oil interceptors will be installed within the proposed drainage outfalls to prevent contaminants entering the freshwater environment.</p> <p>Implementation of the Invasive Species Management Plan.</p> <p>Suite of measures are contained in Appendix 8:B of the EIAR..</p> <p>During operation, invasive species monitoring survey will be undertaken and if found measures set out the Invasive Species Mgt Plan will be put in place.</p>

Overall conclusion: Integrity test

The applicant determined that following the implementation of mitigation measures the construction and operation of this proposed development, alone or in combination with other plans and projects, will not adversely affect the integrity of this European site.

The proposed development at Monaghan Town will not affect the attainment of Conservation objectives of Lough Neagh and Lough Beg SPA. Adverse effects on site integrity can be excluded with confidence.

10.7. Appropriate Assessment Conclusion

10.7.1. Having regard to the foregoing, I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the European site Lough Neagh and Lough Beg SPA [UK9020091] or any other European site, in view of the site's Conservation Objectives.

11.0 Recommendation

Having regard to the foregoing I recommend that the Board approve the proposed development, with modifications, for the following reasons and considerations subject to the conditions set out below.

12.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

a) EU legislation including in particular:

- **EU Directive 2014/52/EU** amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
- **Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives)** which set out the requirements for Conservation of Natural Habitats and of Fauna and Flora.

b) National Legislation including in particular:

- **Section 175 and section 177 of the Planning and Development Act 2000** (as amended) which sets out the provisions in relation to local authority projects which are subject to Environmental Impact Assessment (EIA) and Appropriate Assessment (AA)
- c) National, Regional Policy and Guidance including in particular:
- **National Planning Framework** which supports the compact development and the regeneration of town centres,
 - **Climate Action Plan 2024** which supports a modal shift, place-making and compact growth,
 - **Town Centre First** - A Policy Approach for Irish Towns
 - The **Design Manual for Urban Roads and Streets**, which provides guidance on how to approach the design of urban streets in a more balanced way
 - **Architectural Heritage Protection: Guidelines for Planning Authorities**, 2011,
 - the **Regional Spatial and Economic Strategy for the Northern and Western Region 2020-2032** which seeks to deliver significant compact growth for Key Towns, one of which is Monaghan Town,
- d) Local Planning Policy including in particular:
- The provisions of the **Monaghan County Development Plan, 2019-2025**, as varied, including Variation No.3 Dublin Street North Regeneration Plan,
 - The provisions of **Dublin Street South Regeneration Plan**, appendix 20 of the Monaghan County Development Plan
- e) The following matters:
- the nature, scale and design of the proposed works as set out in the application for approval and the existing character and pattern of development in the area and the town centre location of the site,
 - the documentation including the environmental impact assessment report, the natura impact statement and associated documentation submitted with the

application and by way of further information and the range of mitigation and monitoring measures proposed,

- the submissions and observations made to An Bord Pleanála in connection with the application,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European sites,
- the conservation objectives, qualifying interests and special conservation interests for the Lough Neagh and Lough Beg SPA, site code: UK9020091, and
- the report and recommendation of the inspector.

Appropriate Assessment: Stage 1:

The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that Lough Neagh and Lough Beg SPA, site code: UK9020091 is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an Appropriate Assessment of the implications of the proposed development for the European Site, namely Lough Neagh and Lough Beg SPA, site code: UK9020091, in view of the site's Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the European Site, namely, Lough Neagh and Lough Beg SPA, site code: UK9020091, having regard to the site's Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's conservation objectives.

Proper Planning and Sustainable Development

The proposed development is in accordance with aims and objectives of the Monaghan County Development Plan (MCDP), 2019-2025 and is therefore acceptable in principle. In particular, the proposed development sets the framework for the delivery and completion of the compact urban form envisaged by the Regeneration Plan for Dublin Street South, appendix 20 of the MCDP. The proposed pedestrianised street, Charles Gavan Duffy Place, subject to further detail on streetscape and separate planning process, is a key component in the opening up of backlands in Monaghan Town Centre for development and in creating a connection to the historic town centre, which will also help to facilitate a modal shift to walking and cycling. Overall, the proposed public realm works represent an acceptable contribution towards place-making that will generate a largely positive impact on the amenities of the area. Subject to condition, the Board concludes that the proposed public realm works, and street design and layout is acceptable and is therefore, in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development;
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application;
- (c) the submissions from the observers and prescribed bodies in the course of the application and the submissions of the applicant, observers and prescribed bodies during the oral hearing, and
- (d) the Inspector's report

The Board agreed with the summary of the results of the consultations and information gathered in the course of the environmental impact assessment and the examination of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application, as set out in the Inspector's report. The Board was satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects:

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment. The Board was satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU, amending Directive 2011/92/EU.

The Board considered that the main significant effects both positive and negative of the proposed development on the environment are:

- Positive indirect impacts on **population and human health** will include health and social/wellbeing benefits associated with the provision of a new

public/open space in the town centre and the provision of a highly permeable layout which encourages walking and cycling.

- In relation to **biodiversity**, the spread of invasive species of knotweed is a potential significant risk however I am satisfied that subject to mitigation measures to include implementation of an Invasive Species Management Plan that the likelihood of significant impact in this regard, is minimal.
- In relation to **water** quality, there is potential for a deterioration of water quality of the River Shambles to the south of the site, which is hydrologically connected downstream to a Natura 200 site, arising from silt, dust and petrochemical pollution. Mitigation measures includes SUDs and adherence to construction phase best practice measures including that on the control of water pollution from construction sites (CIRA, 2001).
- In relation to **material assets**, significant direct impacts include upgrades to water and drainage network in the area; the redevelopment of the site to facilitate new development and regenerate the area. In addition, improved pedestrian and cycling facilities will be provided which will indirectly benefit human health and climate change. There will be short-term effects on the local road network during construction which be mitigated by a traffic management plan.
- In relation to **waste**, the main direct effect will be in relation to the handling and disposal of asbestos and knotweed, which will be mitigated through regulation, HSA and EPA requirements.
- In relation to **cultural heritage** effects, given the existence of archaeological monuments on site and the site's presence within the area of archaeological potential for Monaghan town there is potential, in the absence of mitigation, for significant impact of a direct nature during the construction phase, this can be appropriately monitored through standard archaeological monitoring conditions. In relation to architectural heritage, there will be significant direct effects on the Dublin ACA and nearby protected structures resulting from the demolition of part of Dublin Street. The demolition of a building (No. 10 Dublin Street) on the NIAH register with a local rating of 'regional' is also significant due to its cultural and architectural significance. These proposals are plan-led,

endorsed by the MCDP. Mitigation measures includes preservation by record of buildings to be demolished and reuse of original material where possible. The proposed demolition works will facilitate the creation of a new streetscape with, indirectly, potential for high architectural and cultural merit.

- In relation to **townscape and visual** effects, a moderate to major positive visual impact will occur at the site which are expected to be contained due to the enclosing nature of the urban form/town centre environment.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures referred to above, including proposed monitoring as appropriate, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions set out in the Inspector's report. The Board is satisfied that this reasoned conclusion is up to date at the time of making this decision.

13.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and additional plans and particulars submitted on 7th December 2023 except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.</p> <p>Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.</p>
2.	<p>The mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the application shall be carried out in full except as may</p>

	<p>otherwise be required in order to comply with other conditions. Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement.</p> <p>Reason: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.</p>
3.	<p>The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full except as may otherwise be required in order to comply with other conditions. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.</p> <p>Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.</p>
4.	<p>The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.</p> <p>Reason: In the interests of proper planning and sustainable development</p>
5.	<p>The scheme shall be modified as follows:</p> <ul style="list-style-type: none"> a) Cycle and bin facilities shall be provided at the hereby permitted Charles Gavan Duffy Place. b) The larger of the two development blocks hereby permitted, shall comply with section 3.3.2 of DMURS, as may be updated, which recognises that block sizes of 60-80m is optimal for pedestrian movement, and should not exceed 120m. c) Additional landscaping features, including seating and soft landscaping at the Courthouse Square <p>Reason: In the interest of proper planning and sustainable development.</p>

6.	<p>The proposed development shall be carried out in accordance with the Design Manual for Urban Roads and Streets (2019) and Cycle Design Manual (2023).</p> <p>Reason: In the interest of pedestrian and cyclist safety.</p>
7.	<p>Within 6 months of the date of this order, a detailed Construction Management Plan for the construction stage shall be placed on the file and retained as part of the public record. The Construction Management Plan shall incorporate the following:</p> <p>(a) a detailed plan for the construction phase incorporating, inter alia, demolition programme, construction programme, supervisory measures, noise management measures, dust minimisation, construction hours and the management of construction waste,</p> <p>(b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period,</p> <p>(c) an emergency response plan,</p> <p>(d) A detailed construction traffic management plan, including a mobility management plan,</p> <p>(e) proposals in relation to public information and communication.</p> <p>Reason: In the interests of environmental protection and orderly development.</p>
8.	<p>The County Council and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the County Council to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on site during construction works.</p>

	Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.
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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.

Alaine Clarke

Senior Planning Inspector

30th May 2024