



An
Bord
Pleanála

Inspector's Report

ABP-314968-22

Development	Retention of a commercial yard and all associated site works.
Location	Rossollus, Castleblayney, Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	22373
Applicant(s)	TD Freight Ltd.
Type of Application	Retention Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	TD Freight Ltd.
Observer(s)	Brendan Mc Bennett and Others.
Date of Site Inspection	11 th of October 2023.
Inspector	Stephanie Farrington

1.0 Site Location and Description

- 1.1. The application site, which has a stated area of 0.523 hectares, is located along the LS 7202 local secondary road in the townland of Rossollus, Castleblayney, Co. Monaghan.
- 1.2. The site is currently in use as a parking area associated with the applicant's freight business TD Freight Ltd. The site is rectangular in shape and is currently occupied by a storage shed, storage container, carparking area, lorry wash area and truck parking. Access to the site is provided via the LS 7202. The site is situated below the level of the public road and defined along the eastern and southern site boundaries by mature native hedgerows.
- 1.3. The site forms part of a larger landholding in the ownership of the applicant which includes the applicant's freight business TD Freight Ltd., existing dwellings and agricultural lands. The TD Freight base is located to the north of the appeal site at the opposite side of the L3212 and includes a single storey office and toilet block, storage shed, parking and loading bays.
- 1.4. The predominant land use within the vicinity of the site is agricultural with scattered one-off housing.

2.0 Proposed Development

- 2.1. The proposed development, as described in the public notices, seeks permission to retain the existing commercial yard including a wash area, single storey storage container, single storey domestic storage shed, hard surfaced area used for the storage of applicant's freight vehicles & trailers and associated activity, boundary treatment, entrance onto public road and all associated site development works.
- 2.2. The planning report submitted in conjunction with the application provides details of the operation of the facility. This outlines that TD Freight Ltd. is a company established and based in Rossollus, Castleblayney. It is a local haulage company with a fleet of 24/25 trucks, 10 of which operate from the base in Rossollus. The Planning Report outlines that the peak operating hours of the development are before 8am, between 11am and 12.30pm and between 5pm and 6.30pm.
- 2.3. The application is accompanied by the following documentation:

- Application Cover Letter and Public Notices
- Planning Report by Ger Fahy Planning
- Traffic Report by TPS M Moran and Associates
- Application Drawings

3.0 Planning Authority Decision

3.1. Decision

Monaghan County Council issued a notification of decision to refuse permission for the development. 6 reasons for refusal are cited within the Planning Authority's decision. These are summarised below:

1. The applicant has failed to demonstrate a site specific need to retain the development in this rural location outside of designated settlements. The development is harmful to the character of this rural location and would materially conflict with Policies ICP1 and BRP2 of the Monaghan County Development Plan 2019-2025.
2. The development would result in additional vehicular movements and result in additional noise and disturbance to surrounding residential properties. The development would therefore materially conflict with Policy RDP24 of the Monaghan County Development Plan 2019-2025 which outlines that development which potentially impact on residential amenity shall be resisted.
3. The development would lead to an intensification of traffic and turning movements on the road which would endanger public safety resulting in a traffic hazard. The development is therefore contrary to Policy NNRP3 of the Monaghan County Development Plan.
4. The development is contrary to Policy BLO 1 of the Monaghan County Development Plan which relates to the provision of an 18m set back from public roads. A number of existing structures on site contravene this development plan policy.

5. The site is located in an area of moderate groundwater vulnerability and is underlain by a poor locally important aquifer. The application doesn't detail in relation to the volume, characteristics and treatment of wastewater generated by the development. The development would therefore be contrary to Policy WPP 11 of the Monaghan County Development Plan.
6. The applicant has failed to provide a comprehensive surface water drainage design with respect to the development in accordance with the requirements of Section 8.35 and Policies SDP 1-SDP 5 of the Monaghan County Development Plan.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's Report (06/10/2022)

The planner's report recommends a refusal of permission in accordance with the planning authority's decision. The following provides a summary of the key points raised:

- The report includes a detailed assessment of the development against Industrial Policies set out within the MCDP 2019-2025 including the provisions of Section 4.5 and Policies INDP1 to INDP12. In this regard the planner's report questions the appropriateness of the development within a rural location outside of any designated Tier 1 – Tier 3 settlement. The report outlines that the Planning Authority is of the opinion that the applicant's agricultural business and freight business are not reliant upon one another, and the development does not constitute a small scale industrial/commercial development.
- The report outlines that the Planning Authority is of the opinion that as a result of the size, nature and scale of the development, coupled with the associated vehicular movements that the development would be more suitable within a defined development limit. The report refers to zoned industrial land within Castleblayney and Ballybay in this context. The report outlines that the

applicant has failed to adequately justify the site-specific location of the application.

- The report raises concern in relation to the insufficient capacity of the adjoining local road to cater for traffic movements associated with the application site.
- The planner's report raises concerns in relation to noise associated with the operation of the development which may be detrimental to the amenity of residents in the area. The report cross refers to the concerns raised within the EHO's report in relation to noise impact.
- The planner's report includes an overview and assessment of the traffic report submitted in support of the application. The planner's report outlines that HGV movements are identified during the weekends and at 5am, the one-way system cannot be enforced by the Planning Authority and achievement of site lines or turning movements of HGV's using the site entrance is not demonstrated.
- The planner's report furthermore refers to the concerns raised within the MD Engineer's report. The report outlines that the Planning Authority has grave concerns regarding the impact of the development on the adjoining local road network.
- In terms of impact on residential amenity and compliance with Section 15.13.7 and Policy RDP24 of the MCDP it is stated that on the basis of the lack of information within the application documentation that the Planning Authority cannot confirm that the development would not impact on the amenity of adjoining residents.
- The report outlines that no landscaping plan for the development has been provided in accordance with the requirements of Policy LCP1. The development is also deemed contrary to the requirements of Policy BLO1 which requires a set back of 18m from local secondary roads.
- In terms of compliance with Section 15.30 and Policy APP1 "Appropriate Assessment" of the MCDP the planner's report outlines that: "*The site is not located within 15km of any Natura 2000 site. In addition, there are no*

significant watercourses in close proximity to the application site and no pathway connectors with the Natura 2000 network. It is the opinion of the planning authority therefore that given the cumulative effects of both the proposed development and any other plan or project, the development is not of a nature or scale to have significant effects on the qualifying features of the Natura 2000 network and therefore a Stage 2 appropriate assessment is not required”.

- The planner’s report recommends a refusal of permission in accordance with the planning authority’s decision.

3.2.2. Other Technical Reports

Environmental Report (12/10/2022)

- The report refers to the location of the site within the Major Lough_10 waterbody which has been classified as a Poor Status and in an area of moderate groundwater vulnerability. The report outlines that it is important that wastewater and stormwater discharges from the development are adequately treated to prevent any impact on receiving waters.
- The report recommends further information in relation to volume, characteristics and treatment of wastewater generated from the site, revised stormwater drainage details to include a silt trap and interceptor and details of ant storage for any fuel/chemicals on site.

Engineers Report (5/10/2022)

Correspondence from the Municipal District Engineer confirms that the observations made in response of PA Ref: 22/277 and 22/278 remain applicable to the development.

Comments on previous application are summarised as follows:

- The report raises concern in relation to the vertical and horizontal road alignment of the adjoining road network and its capacity to cater for HGV’s.
- The report refers to the existing properties along the road its location between 2 regional routes (and is considered a significant link road) which results in greater traffic volumes.

- Sections of the road are as narrow as 3m and reversing movements referred to within the submissions on the application would be potentially hazardous.
- Insufficient visibility at both access points would deem the development unsafe.
- The reference to the operation of a one-way system within the application documentation is contradicted in the traffic data which indicates a number of 2- way HGV movements.

Roads Section (03/10/2022)

- The report from the roads section recommends a request for further information in relation to surface water drainage design, and road design information including demonstration of achievement of visibility splays, Stage 1 and 2 Road Safety Audit and a Traffic and Transport Assessment.

Municipal District Engineers Report (28/09/2022)

- The report recommends a request for further information in relation to the following:
 - Demonstration of visibility splays, submission of a Stage 1 & 2 Road Safety Audit, submission of a Traffic and Transport Assessment, details of surface water proposals, revised drawings of the proposed entrance of construction details to prevent water flowing to and from the site and details of a proposed interceptor on site to prevent pollution.

Chief Fire Officer (29/09/2022)

- The report raises no objection to the development subject to conditions.

Water Services Section (27.09.2022)

- No objection subject to condition.

Environmental Health Officers Report (09/09/2022)

The report recommends a request for further information in respect of the following:

- Details of hours of operation of the commercial yard.
- Submit a noise impact assessment of the development which clearly identifies the following: background noise levels, projective noise levels when

development is at full capacity identifying tonal and impulsive noise and measures to ensure noise nuisance is not caused to adjoining residents.

- Consultation with the Environment section in relation to the wash area.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

- 7 no. objections were submitted during the statutory consultation period. The concerns raised reflect those raised within the observation on the appeal.

4.0 Planning History

The following applications relate to the appeal site:

- PA Ref. 17/294: Application to retain and complete existing HGV trailer storage yard and upgrade of existing entrance and all associated works submitted in June 2017 and withdrawn in January 2018.
- PA Ref: 22/277: Application for retention consisting of commercial yard comprising of wash area (used solely in connection with applicant's freight vehicles) single storey steel storage container, single storey domestic storage shed, hard surfaced area used for the storage of applicant's freight vehicles & trailers and associated activity, boundary treatment, entrance onto public road and all associated site development works submitted in June 2022 and withdrawn in August 2022.
- Enforcement History: The planner's report dated 6/10/2022 refers to enforcement proceedings in respect of the appeal site.

Lands to the North East at opposite side of the L3212

- PA Ref: 22/278: Application submitted in June 2022 and withdrawn in May 2023 for retention 2 no. single storey office buildings, 2 No. single storey attached storage sheds and all associated site development works. a detailed

request for further information was issued by the planning authority in August 2022 in relation to the following:

- Revisions to the proposed development to reflect the size and scale of industrial development which is appropriate to the rural area.
- An assessment of alternative sites within the settlement boundaries of nearby settlements and evidence that the development would not be viable at an alternative location.
- An assessment of the development on public health, environment and traffic impact.
- Details of hours of operation of the development.
- A detailed Noise Impact Assessment.
- Details illustrating sightlines, visibility at the entrance, details of parking and maneuvering areas within the site, assessment of existing traffic conditions on the local road network and a traffic and transportation assessment.
- Surface water details, an assessment of the existing septic tank and percolation details, details of compliance with Policy BLO1 of MCDP which relates to building line setbacks, a response to the submissions on the application.
- Revised site layout plans to include the existing shed and commercial yard within the application boundary and associated details.

The applicant's FI response cross referred to the documentation submitted in support of the application. The application was withdrawn in May 2023.

Lands to the east of the appeal site at opposite side of the L7202

- PA Ref: 22384: Planning permission granted in January 2023 for construction of a one and a half storey dwelling.

5.0 Policy Context

5.1. Development Plan

Monaghan County Development Plan 2019-2025

Settlement Strategy

- 5.1.1. Section 2.3 of the Development Plan relates to the Monaghan County Settlement Strategy. This outlines that local, regional and national policy encourages developments to locate in existing towns and villages where the basic social and infrastructural services are available and where such services may be provided or expanded on if required.
- 5.1.2. Section 2.8 of the Development Plan relates to rural area types within Monaghan. Two categories of rural areas are designated within the county, namely Category 1 – Rural Areas Under Strong Urban Influence and Category 2 Remaining Rural Areas. Map 2.1 of the Development Plan illustrates that the site is located within a Category 2 Rural Area – Remaining Rural Areas.
- 5.1.3. Section 2.8.2 of the Development Plan outlines that this area comprises all other rural areas outside of the settlements and the rural areas under strong urban influence. The Plan outlines that in these areas the challenge is to retain population and support the rural economy while seeking to consolidate the existing village network.

Economic Development

- 5.1.4. Chapter 4 of the Development Plan relates to Economic Development within the County. The following policies are of relevance:
- INDP 1: The Planning Authority will encourage industrial development at appropriate scales and locations in line with the County's settlement strategy. Generally, where the proposed development is considered to be a significant employer and/or intensive in nature, such developments shall preferably locate within the settlement envelope for Monaghan Town or the Core Strategy's Tier 2 or 3 towns. In exceptional circumstances industries that are tied to a fixed resource and/or require extensive sites or specific settings, to

permit their location in rural areas subject to normal planning criteria and environmental legislation requirements.

- INDP 2: To assist anyone who wishes to establish or expand industrial, commercial or other such endeavours that will provide increased employment opportunities in the county, subject to normal development management requirements and technical criteria.
- INDP 8: To encourage the establishment of suitable small-scale industrial/commercial/tourism developments on family-owned land relating to and promoting rural diversification, subject to the satisfaction of normal planning and technical criteria.

5.1.5. Section 4.9 relates to Small Scale Businesses in Rural Areas. The following policies are of relevance:

- BRP 1 Consideration shall be given to the establishment, or suitable expansion, of small scale businesses in rural areas where (i) it is demonstrated that the proposal could serve as a valuable addition to the local economy and (ii) normal development management and technical requirements are complied with.
- BRP 2 To require proposals for the development, or suitable expansion, of small-scale businesses in rural areas to demonstrate that the proposed location is suitable and that the proposal would not be viable at an alternative location.
- BRP 3 In assessing an application for the establishment, or suitable expansion, of a small scale business in a rural area, the following information shall be taken into consideration and, where necessary, such required information shall be submitted as part of any application:
 1. Positive contribution that the proposed development will make to the rural economy.
 2. Nature and scale of the proposal.
 3. Is the business more suitably accommodated at the proposed location than an urban setting.

4. Potential impact on public health, environment and amenity.

5. Potential traffic impact on the road network in the area

Transport and Infrastructure

5.1.6. Section 7.9.1 of the Plan relates to non- national routes policies.

- Policy NNRP 3 seeks: *“To ensure that the traffic carrying capacity and the strategic nature of the County’s road network is not adversely affected”*.

5.1.7. Section 7.11 of the Plan outlines that the local roads in County Monaghan make up 84% of the road network and serve an important role. Local roads are classed as Local Primary, Local Secondary and Local Tertiary depending on the levels of traffic and carriageway width. Local roads are of critical importance to the economic and social activity within the County given the County’s low level of urbanisation and dispersed settlement pattern.

Environment, Energy and Climate Change.

5.1.8. Chapter 8 of the Development Plan relates to Environment, Energy and Climate Change. Section 8.11 of the Plan sets out Water Protection Policies.

- Policy WPP11 outlines that: *Development which would have an unacceptable impact on the water environment, including surface water and groundwater quality and quantity, river corridors and associated wetlands will not be permitted.*

5.1.9. Section 8.35 of the Plan relates to Surface Water Drainage. This outlines that new development, and its associated roads, yards and parking areas increase impervious surfaces which results in an increase in surface water runoff. The following Surface Water Drainage Policies are of relevance:

- SDP 1 To require best practice in the design, construction and operation of expanding and new developments to ensure minimum effects on the aquatic environment. Sustainable Urban Drainage Systems designed to ensure both water quality protection and flood minimisation should be included in developments for commercial, industrial, residential, intensive agricultural, public and institutional premises with significant roof or hard surface areas

and multiple residential developments. For guidance refer to Monaghan County Councils Storm Water Technical Guidance Document 2017.

- SDP 2 To ensure that new development is adequately serviced with surface water drainage infrastructure and promote the use of Sustainable Drainage Systems as appropriate to minimise the effect of a development on flooding and pollution of existing waterways.
- SDP 3 To require that planning applications are accompanied by a comprehensive SUDs assessment that addresses run-off quantity, run-off quality and its impact on the existing habitat and water quality.
- SDP 4 To ensure that all storm water discharges shall be restricted onsite attenuation and or other measures to the pre-development levels (green field) in all new developments. All attenuated storage volumes must take into consideration climate change. Guidance is available from The Greater Dublin Strategic Drainage Study Technical Document, Volume 5.
- SDP 5 To require all run off from new developments in towns/villages to be restricted to the pre-development levels (green field) by storm water attenuation on site and use of SUDs (sustainable urban drainage systems), as a measure to assist in flood avoidance. For guidance refer to Monaghan County Councils Storm Water Technical Guidance Document 2017.

5.1.10. Section 8.40 of the Plan relates to Noise. This outlines that the impact of noise pollution is an important consideration in assessing all new development proposals as it can impact on people's quality of life and health. Using the provisions of the development management process, the planning authority will aim to take account of and mitigate noise and/or vibration at site boundaries or adjacent to noise sensitive locations, in particular residential properties with reference to layout, design and/or noise attenuation measures.

Development Management Standards

5.1.11. Chapter 15 of the Monaghan County Development Plan sets out Development Management Standards for Monaghan.

Residential Amenity

5.1.12. Section 15.13.7 of the Development Plan relates to Residential Amenity and outlines that all developments must have regard to the potential impact upon the residential amenity of existing and permitted residential land uses in the vicinity of the development.

5.1.13. Policy RDP 24 of the Plan relates to Residential Amenity and outlines the following:

“Development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of overshadowing, overbearing, dominance, emissions or general disturbance shall be resisted”.

Industrial and Commercial Developments

5.1.14. Section 15.14 of the Plan relates to Industrial & Commercial Developments. This outlines that the Council is committed to facilitating developments which contribute to the economic development of the County and create sustainable employment opportunities. Notwithstanding this, the impact of such proposals on the landscape and the environment must be carefully assessed.

5.1.15. Policy ICP 1 of the Development Plan outlines that:

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

- a) Industrial/commercial development shall be located in or adjacent to settlements where infrastructure has been provided in line with the principles of sustainable development.*
- b) A change of use for the redevelopment of existing industrial lands/buildings will be considered acceptable where it has been clearly demonstrated to the satisfaction of the planning authority that the loss of the industrial use is justified on the grounds of amenity, operation, economic benefit to the county or to secure the future of a building of historical or architectural merit.*
- c) New industrial/commercial uses or the expansion of existing industrial uses within settlements shall be permitted where;*
 - The scale, design and materials are cognisant of the setting and are in keeping with the surrounding area and adjoining developments.*
 - There is no adverse impact on the character or setting of the settlement or the*

amenity of residents.

- d) *The provision of a buffer zone up to 15m in width, or as otherwise determined by the Planning Authority according to the proposed operations, where industrial and other sensitive land uses adjoin, to ensure amenities of adjacent properties are not adversely affected and that there is no significant amenity loss by way of noise, smell or other nuisance to immediate neighbours or the area in general as a result of the proposed development, lighting and the amount of traffic generated or the servicing arrangements.*
- e) *The provision of a high-quality layout scheme which demonstrates that the proposed buildings are not dominated by extensive car parking, hard standing or roads and that the topography and surrounding landscape are respected as appropriate.*
- f) *The provision of a detailed quality landscape plan, planting schedule and planting programme with all applications to include semi-mature indigenous trees that will reduce the visual impact of the proposed buildings.*
- g) *The redevelopment of redundant mushroom, poultry and pig units within 2.5km of designated settlements for light industrial units maybe permitted subject to compliance with all other usual planning considerations.*
- h) *Small scale indigenous industrial/commercial development in the rural area outside of designated settlements may be permitted where it can be demonstrated that:*
 - *There is no alternative suitable site within the boundaries of nearby settlements.*
 - *The design of the development can integrate with the surrounding landscape.*
 - *The associated traffic generated by the proposal is appropriate for the surrounding road network and will not result in unsustainable traffic movements and will not necessitate roads improvements that would damage the character of the rural roads in the area.*
 - *The proposal will not detract from the character of the rural landscape.*

- i) *Any external storage is adequately screened from the public domain/road and any adjoining residential properties.*

Rural Character

- 5.1.16. Section 15.16 of the Plan relates to Rural Character. Policy RCP 2 seeks: *To restrict new development which mars the distinction between the open countryside and the built-up edge of the designated urban areas.*

Waste Water Treatment

- WWTP 1 To protect groundwater and surface water from contamination from domestic effluent by ensuring that all sites requiring individual waste water treatment systems are assessed and deemed suitable by suitably qualified persons in accordance with the 'Code of Practice; Wastewater Treatment Systems for Single Houses' published by the Environmental Protection Agency, 2009 or any subsequent code of practice which supersedes it.

Road/Access

- 5.1.17. Section 15.27 of the Plan relates to Road Access Standards. Table 15.5 sets out the minimum visibility standards which apply on non-urban roads – For Local Class 1 (60 km/ph) 90m at 2.4m setback. Local Class 2 roads (design speed of 50km/ph) a standard of 70m and 2,4m setback is required.
- 5.1.18. Policy RAS 1 seeks To apply the visibility standards as set out in Section 15.27 and Appendix 12 - Access Details of the Monaghan County Development Plan 2019-2025
- 5.1.19. Policy BLO 1 seeks: To generally require buildings and ancillary works* in the rural area along public roads to have the following setbacks from the near edge of the surfaced carriageway:
- National Route: 90m
 - Regional Route: 30m
 - County Road: 18m

5.2. Natural Heritage Designations

The nearest designated European sites to the appeal site, include the following:

- Lough Egish pNHA-4km
- Cordoo Lough pNHA-4.2km
- Lough Smiley pNHA – 4.2km
- Muckno Lake pNHA – 5.2km
- Dromore Lakes pNHA- 8.5km
- Loughbawn House Loughs pNHA-8.9km

5.3. EIA Screening

5.3.1. The proposed development falls within the category of 'Infrastructural Projects', under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:

- 10 (b) (ii) Construction of a car park providing more than 400 spaces, other than a car park provided as part of, and incidental to the primary purposes of a development.
- 10 (b) (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

5.3.2. The development seeks retention of a commercial yard, with a site area of 0.523ha, used for storage of freight vehicles and trailers associated with a haulage company TD Freight Ltd. The application documentation outlines that the company has a fleet of 25 vehicles. The Proposed Site Layout Plan illustrates 12 HGV parking spaces and 13 no. standard car parking spaces.

5.3.3. The nature and the size of the development is well below the applicable thresholds for mandatory EIA as detailed above.

5.3.4. I have given consideration to whether sub-threshold EIA is required. Having regard to the scale and nature of the proposal and its location within a rural area I conclude that the aspects of the environment likely to be affected by the development such as traffic impacts and impact on residential amenity would be localised in nature.

5.3.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 11 (b) (ii), (iv)- Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.3.6. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination a sub-threshold environmental impact assessment report for the proposed development was not necessary. The need for EIA can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been submitted by CMD Architects on behalf of the applicant. The following provides a summary of the grounds of appeal:

Background and Justification

- The appeal provides a background to the existing development on the site. TD Freight was established in Rossollus and have been trading in the area for 22 years. The company employs 40 staff and has a fleet of 24/25 trucks which serve a wide range of local businesses.
- The applicant runs the adjacent 80-acre farm and manages the haulier business. The appeal outlines that this constitutes farm diversification, and the

business and farm are intrinsically linked as the applicant could not run a farm if he was working elsewhere.

- The appeal outlines that the applicant runs a one-way haul route in from the R183 Ballybay Monaghan Road and exiting out of the R181 Shercock Castleblayney Road. The local school bus also uses the yard.

Compliance with Planning Policy

- The development provides significant employment within a rural area. The appeal cites provisions and policies of the Monaghan County Development Plan which support rural employment opportunities (Section 1.4, Section 1.10 Strategic Aim, Strategic Objectives SO1, SO3 & SO4, Section 1.19, Section 7.12).

Response to Reasons for Refusal

Section 6 of the appeal addresses each of the reasons for refusal cited in Monaghan County Council's decision and provides a response to the points raised.

Reason no. 1

- Policy BRP1 of the CDP permits the establishment of small-scale businesses in rural areas where it is demonstrated that the proposal will serve as a valuable addition to the local economy. The appeal outlines that the development provides 40 jobs and this is sufficient to demonstrate that the business is a valuable addition to the local economy.
- The appeal outlines that the business is small scale relative to the logistics industry. The business provides essential deliveries to a number of local businesses.
- The development has been in operation for 22 years and is outside of enforcement. The regularisation of the development would be the most appropriate solution to put some form of development management controls on the operation.

Reason no. 2

- The appeal outlines that Reason no. 2 is unsubstantiated and fails to acknowledge the length of time that the development has been operating.

- The nearest house is 88m from the development site. There are no emissions arising from the development as there is no industrial activity being carried out. The appeal outlines that the yard is simply a car park for trucks and a holding area while they wait for goods to be loaded and unloaded in the upper yard.
- Any impact on residential amenity could be mitigated through sound monitoring, landscaping, baffle boards, silencing equipment on trucks and restrictions on hours of operation.

Reason no. 3

- The appeal outlines that MCC's third reason for refusal does not have regard to the traffic report submitted in support of the application. The traffic report outlines that the principle of direct access to the route is established.
- The appeal outlines that the road is a local road and not a strategic route and outlines that road users along the road would be local and aware of the character of the road.
- The appeal outlines that having regard to the one-way traffic system in operation and having regard to the low level of traffic on the road the development would not have any impact on the carrying capacity of the road. It is furthermore stated that having regard to the long term operation of the development the continuation of the operation would not have any impact on the carrying capacity of the road.

Reason no. 4

- The appeal outlines that the applicant is happy to accept a condition that the existing structures are set back 18m from the road.

Reason nos. 5 and 6

- The appeal outlines that these reasons for refusal could have been addressed by means of a request for further information.
- As part of the proposal for retention of the truck wash area a new wash bay separator, treatment system and polishing filter will be installed in accordance

with EPA Guidelines and discharge to a polishing filter. This will be designed at the detailed design stage.

- All chemicals will be stored within temporary bunded areas. Oil and fuel storage tanks will be stored in bunded areas. Drainage from these areas shall be diverted for disposal and safe disposal.
- Refuelling of vehicles and the addition of hydraulic oils or lubricants to vehicles will not take place on site.

Conclusion

- The conclusion of the appeal outlines that the development is in accordance with the provisions of the Monaghan County Development Plan having regard to the low intensity nature of the business, its contribution to the local economy and farm diversification.
- Having regard to the length of time the applicant has been operating from the location the Board is requested to overturn the decision of the planning authority.

6.2. Planning Authority Response

- None received.

6.3. Observations

6.3.1. An observation on the appeal was submitted which includes separate objections from the following:

- Brendan Mc Bennett
- Michela Kingham
- Emma Kingham
- Sinead Cunningham
- Karen Cassidy
- Mary Mulligan

6.3.2. The observation is accompanied by photos of HGV's using the local road network which are cross referred to within the individual submissions.

6.3.3. The following provides a summary of the key points raised.

Brendan Mc Bennett

- The observation outlines that the works being undertaken on the site present a serious health and safety risk and environmental issues including noise pollution, ground vibration effecting local horse breeding and environmental pollution from burning diesel oil.
- The observation outlines that the adjoining road network is narrow and unsuitable to accommodate HGV's associated with the development (L3212 and L7202). The observation refers to damage to the local road by a recent incident involving a HGV.
- The observation refers to the history of the use of the site. Vehicles are parked on the site and often refrigerator units are left operational resulting in noise pollution.
- The observation outlines that the reference in the application to the operation of the yards from 7am to 7pm is incorrect. The observer has been in touch with the EPA in relation to unloading/loading of vehicles from 3.30am onwards.
- The development has resulted in congestion on the local road network and road safety issues. The one-way system referred to within the application documentation is not in place. HGV movements between the yards are resulting in road safety issues.

Michela Kingham

- The observer is a secondary school teacher who uses the L3212 and L7202 on a daily basis and operates a farm in the vicinity of the appeal site.
- The observation raises concern in relation to the use of the local road network by HGV vehicles. It is stated that the applicant's company has grown to a fleet of 30 HGV vehicles.

- The use of the road by HGV's is resulting in road safety issues including vehicles having to reverse down narrow roads to accommodate HGV's. Parts of the road have no support hedges and a deep drop in adjacent fields. The observation refers to recent damage to the road as a result of an incident involving a HGV sliding into an adjacent field.
- The observation refers to unsafe HGV movements between the applicants two yards including reversing HGV's.

Emma Kingham

- The observer is a horse-riding instructor who manages the training of foals at the farm owned by Brendan Mc Bennett located beside the premises. Due to speeding HGV's, it is no longer safe to walk the horses down the road to their paddocks.
- The existing yards are creating noise pollution during the day and night. HGVs are continuously running and being loaded/unloaded.
- Noise emanating from the yards is impacting on the welfare of horses.
- The use of the road by HGV's would block emergency vehicle access and poses a safety risk to road users.
- The one-way system referred to by the applicant would not be enforced and would not take away the daily risk to road users.
- The industrial activity is more suited to an urban area.

Sinead Cunningham

- The local road network is not wide enough to accommodate HGV's associated with the development.
- The use of the road by HGV's is resulting in seriously road safety issues. HGV's are constantly putting other road users at risk by speeding and reversing manoeuvres.

Karen Cassidy

- The observation raises concern in relation to the safety risk to road users by speeding and reversing manoeuvres of the HGV's on the local road network.

Mary Mulligan

- The observer is a daily user of the L3212 and L7202. The observation raises road safety issues associated with the use of the local road network by HGV's associated with the development.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Compliance with Development Plan Policy
- Impact on Residential Amenity
- Traffic Impact and Road Safety
- Building Line
- Site Services and Impact on Water Quality
- Appropriate Assessment

7.2. **Principle of Development (New Issue)**

7.2.1. The application seeks permission to retain an existing commercial yard used in association with the applicant's haulage company TD Freight Ltd. which is located to the north-east of the appeal site at the opposite side of the L3212. The appeal site is confined to the commercial yard. The Site Location Map (Drawing no. 3.0_ S100.00) illustrates adjoining lands in the ownership of the applicant in blue. The larger landholding includes the established base of TD Freight Ltd. and adjoining agricultural lands and dwellings.

7.2.2. The planning report submitted in conjunction with the application outlines that the haulage business was established and based in Rossollus, Castleblayney and has been operating from the area for 22 years. The haulage company has a fleet of 24/25 trucks. 15 of these trucks operate between Dublin and Cork and only return to Castleblayney for their 12-week maintenance check. The remaining 10 trucks

operate from the base in Castleblayney. The Planning Report outlines that the peak operating hours of the development are before 8am, between 11am and 12.30pm and between 5pm and 6.30pm.

- 7.2.3. I refer to the planning history section of this report which provides details of an application submitted in June 2022 for the TD Freight Ltd. base to the north-east of the site under PA Ref: 22/278. The application related to permission for retention 2 no. single storey office buildings, 2 No. single storey attached storage sheds and all associated site development works. As outlined in Section 5 of this report, a detailed request for further information was issued by the MCC in August 2022 including a justification for the location of the development within a rural area outside any settlement boundary, an assessment of alternative sites within nearby settlements and revisions to the development to reflect the size and scale of industrial development which would be appropriate to a rural settlement. The FI request also sought additional information in relation to the operation of the facility and details of its impact on the adjoining road network and the residential amenity of nearby properties. The applicant's FI response cross referred to the details submitted in support of the application and the application was withdrawn in May 2023.
- 7.2.4. The subject appeal relates exclusively to retention of the commercial yard associated with the applicant's haulage company. I consider that there are significant information deficiencies within the application in relation to the operation of the existing business, the capacity of the local road network to accommodate traffic movements associated with the use, and the impact on the residential amenity of adjoining properties. I note the case made by the applicant that the business has been in operation in the area for c.22 years. However, in this regard, I would highlight that the length of time of operation of a use does not authorise the use.
- 7.2.5. On the basis of the information provided in connection with the planning application and appeal, I consider that the development for which retention permission is sought relates to expansion of a haulage company which does not have the benefit of planning permission. I consider that retention of the commercial yard would facilitate the expansion of this unauthorised use and consider that in such instances the Board is precluded from granting planning permission. I recommend that permission to retain the commercial yard is refused on this basis.

7.2.6. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

7.3. **Compliance with Development Plan Policy**

7.3.1. Monaghan County Council's 1st reason for refusal relates to the principle of a commercial/industrial development within a rural area, outside of any designated settlement, and cites non-compliance with Development Plan policy. The 1st reason for refusal outlines that the development is contrary to Policy BRP1 and would materially conflict with Policies ICP1 and BRP2 of the Monaghan County Development Plan 2019-2025.

7.3.2. Policy ICP1 of the Development Plan relates to the siting of industrial/commercial development within/or adjacent to settlements and details circumstances in which small scale indigenous industrial/commercial development may be permitted in the rural area as detailed in the extract from the policy below.

Policy ICP1 Proposals for industrial and commercial developments will be permitted subject to the following criteria:

- a) Industrial/commercial development shall be located in or adjacent to settlements where infrastructure has been provided in line with the principles of sustainable development*
- h) Small scale indigenous industrial/commercial development in the rural area outside of designated settlements may be permitted where it can be demonstrated that:*
 - There is no alternative suitable site within the boundaries of nearby settlements.*
 - The design of the development can integrate with the surrounding landscape.*
 - The associated traffic generated by the proposal is appropriate for the surrounding road network and will not result in unsustainable traffic movements and will not necessitate roads improvements that would damage the character of the rural roads in the area.*
 - The proposal will not detract from the character of the rural landscape.*

- 7.3.3. The appeal site is located within an unzoned rural area outside of any designated settlement within the Monaghan County Settlement Hierarchy. The site is located within a Category 2 Rural Area – Remaining Rural Areas” as illustrated within Map 2.1 of the Development Plan “Core Strategy Map”.
- 7.3.4. I refer to clause (h) of Policy ICP1 which sets out criteria under which business in the rural area can be permitted. I note that no definition for small scale indigenous development is provided within the Development Plan. However, having regard to the nature and scale of the development, I do not consider that the development would fit within the classification of small scale indigenous commercial/industrial development which is suitable for a rural area.
- 7.3.5. Notwithstanding the above, and in the instance that the Board considers the development to fall within the classification of small-scale indigenous development, I have considered the development in line with the criteria under clause (h) of Policy ICP 1 as follows:
- No alternative sites are assessed within the application. I consider that the nature and scale of the development would be more suitably located within a designated settlement. There are undeveloped lands zoned for industrial development within the surrounding designated settlements including Castleblayney and Ballybay as illustrated within the Monaghan County Development Plan.
 - On the basis of the information submitted in conjunction with the application and appeal, I am not satisfied that the local road network serving the site has the capacity to HGV movements associated with the development. I consider that the nature and scale of traffic movements generated by the development and potential noise impact detracts from the from the character of the rural landscape.
- 7.3.6. Having regard to the above reasons and considerations I consider that the development contrary of Policy ICP1 of the Development Plan and recommend that permission is refused for the development on this basis.
- 7.3.7. MCC’s first reason for refusal outlines that the development is contrary to Policy BRP 1 of the MCDP which outlines that *“Consideration shall be given to the establishment, or suitable expansion, of small-scale businesses in rural areas where*

(i) it is demonstrated that the proposal could serve as a valuable addition to the local economy and (ii) normal development management and technical requirements are complied with”.

- 7.3.8. A case is made within the first party appeal that the development is in accordance with Policy BRP1 on the basis that the development is small scale in the context of industrial development. The application sets out a rationale for the operation of the business from the rural location on the basis that it allows the applicant to both manage his farm and the business given their geographic proximity. The appeal outlines that the development comprises rural diversification and provides 40 jobs.
- 7.3.9. The subject application seeks to retain an existing commercial yard used for parking HGV vehicles associated with the applicant’s haulage business. Notwithstanding the case made by the applicant, I do not consider that the proposal represents a suitable expansion to a small scale business as provided for under Policy BRP1. I do not consider that the applicant’s freight business is tied to a rural setting for operational purposes. As detailed further in this assessment I have concerns in relation to the capacity of the adjoining local road network to accommodate the development and the impact of the development on residential amenity which are not addressed within the application. The applicant has furthermore not demonstrated compliance with development management requirements of the MCDP.
- 7.3.10. The Planning Authority’s decision also refers to BRP 2 of the MCDP which seeks *“To require proposals for the development, or suitable expansion, of small-scale businesses in rural areas to demonstrate that the proposed location is suitable, and that the proposal would not be viable at an alternative location”*. As earlier detailed, I do not consider that the haulage operation falls within the classification of small scale business and do not consider that the development constitutes a suitable expansion of the facility. The application does not demonstrate that the development is suitable in this location or that the development would not be viable at an alternative location.
- 7.3.11. In conclusion, I consider that the principle of the development is contrary Policy ICP1 of the Monaghan County Development Plan which relates to the siting of commercial/industrial developments within settlements. I am not satisfied that the nature and scale of development and associated traffic movements is suitable for a rural area. I therefore recommend a refusal of permission on this basis.

7.3.12. I note the reference within the Planning Authority's decision to refuse permission to retain the development to non-compliance with Policies BRP 1 and BRP 2 of the MCDP. These policies relate to instances in which small scale indigenous business can be accommodated within rural areas. As detailed above, I do not consider that the development proposed for retention falls within the classification of a small scale indigenous industrial/ commercial development and in this regard, it is my view that reference to these policies within the reason for refusal is unwarranted.

7.4. Impact on Residential Amenity

7.4.1. Monaghan County Council's 2nd reason for refusal relates to the impact of the development on the residential amenity of the area. The appeal site is located within the vicinity of a number of one-off rural houses and agricultural landholdings. Section 15.13.7 of the Development Plan relates to Residential Amenity and outlines that all developments must have regard to the potential impact upon the residential amenity of existing and permitted residential land uses in the vicinity of the development.

7.4.2. MCC's reason for refusal outlines that the development would materially conflict with Policy RDP24 of the Monaghan County Development Plan 2019-2025 which states that *"Development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of emissions or general disturbance shall be resisted"*.

7.4.3. The Planning Authority's reason for refusal outlines that the development as proposed would generate vehicular movements and associated disruption which would result in unacceptable noise and disturbance to surrounding residential properties. The appeal outlines that the planning authority's reason for refusal is unsubstantiated and fails to acknowledge the length of time that the development has been operating.

7.4.4. I refer to the contents of the observation on the appeal which raises significant concerns in relation to the impact of the development on the amenity of the area on the basis of noise impact and traffic hazard. In terms of the reference to vehicular movements and associated disruption I consider that the local road network is unsuitable to accommodate the development as detailed further in Section 7.5 of this assessment.

7.4.5. The observation on the appeal raises concerns in relation to the noise impact of the development and its impact on residential amenity and livestock. I consider that noise impact is a material consideration having regard to the characteristics of the development. I note that the Planning Authority's EHO's report recommends a request for further information relating to the submission of a detailed noise impact assessment and confirmation of the hours of operation of the development. Detailed specifications for the noise assessment are set out within the report including the following:

- background noise levels, projective noise levels when development is at full capacity identifying tonal and impulsive noise and measures to ensure noise nuisance is not caused to adjoining residents.

7.4.6. The appeal outlines that the nearest house is 88m from the development site and that any impact on residential amenity could be mitigated through sound monitoring, landscaping, baffle boards, silencing equipment on trucks and restrictions on hours of operation. However, I note that no such measures are detailed within the appeal or application nor does the application address noise emissions. The concerns raised within the EHO's report are not addressed within the application or appeal. I consider that there are information deficiencies within the application in this regard. Having regard to the characteristics of the development, I consider that the concerns raised by the planning authority within the 2nd reason for refusal are warranted.

7.4.7. On the basis of the information submitted in conjunction with the application and appeal, I am not satisfied that the development does not impact on the residential amenity of properties within the vicinity on the basis of noise impact and vehicular movements and disruption on the local road network. I therefore consider the proposal to be contrary to the requirements of Policy RDP24 of the Monaghan County Development Plan. I recommend that permission is refused for the development broadly in accordance with MCC's 2nd reason for refusal.

7.5. Traffic Impact and Road Safety

7.5.1. Monaghan County Council's 3rd reason for refusal relates to the impact of the development on the local road network. The reason for refusal refers to the restrictions of the local road network to accommodate traffic movements associated

with the development and resulting traffic hazard. The decision outlines that the development is contrary to Policy NNRP 3 of the Development Plan in this regard.

- 7.5.2. At the outset, the appeal questions the reference within MCC's decision to non-compliance with NNRP 3 of the MCDP on the basis that the road network in the vicinity of the site is local and lightly trafficked in nature and not strategic. Policy NNRP 3 of the Development Plan seeks: *"To ensure that the traffic carrying capacity and the strategic nature of the County's road network is not adversely affected"*.
- 7.5.3. In considering the grounds of appeal, I refer to the guidance set out within Section 7.11 of the Plan which outlines that the local roads in County Monaghan make up 84% of the road network and serve an important role. The Plan outlines that local roads are of critical importance to the economic and social activity within the County given the County's low level of urbanisation and dispersed settlement pattern. MCC's Area Engineers report which refers to the adjoining local road network as an important connection between the R183 Ballybay Monaghan Road and exiting via the R181 Shercock Castleblayney Road. I consider the requirements of Policy NNRP 3 to be applicable in this instance.
- 7.5.4. Monaghan County Council and the observation on the appeal raise concern in relation to the capacity of the local road network to cater for the HGV movements associated with the development. MCC's decision outlines that the site accesses onto a local secondary road where the carriageway width is as narrow as 3.0 meters in places and where forward and rear visibility is restricted as a result of the horizontal and vertical alignment of the adjoining road and the application does not demonstrate how vehicular movements associated with the development can be achieved within the site.
- 7.5.5. The report from the roads section recommends a request for further information in relation to road design information including demonstration of achievement of visibility splays, Stage 1 and 2 Road Safety Audit and a Traffic and Transport Assessment. I note that these points are not addressed within the appeal, and I consider that there are information deficiencies within the application on this regard.
- 7.5.6. I note the significant road safety concerns raised within the individual submissions attached to the observation on the appeal in relation to HGV's movements on the local road network generated by the development. On site inspection, I noted that

long stretches of the local road network serving the site including the L7202 and L3212 are narrow and do not facilitate the passing of 2 no. standard vehicles.

- 7.5.7. The Traffic Report submitted in support of the application outlines that development results in limited traffic flows and the use of a one-way system by HGV's with traffic coming in from the R183 Ballybay Monaghan Road and exiting via the R181 Shercock Castleblayney Road. The observation on the appeal outlines that this is not adhered to in practice and I furthermore do not consider that this could be enforced in practice.
- 7.5.8. On the basis of the information submitted in conjunction with the application and appeal, I am not satisfied that the applicant has demonstrated that HGV manoeuvres on the local road network associated with the development do not endanger public safety by reason of traffic hazard. The proposal is therefore considered to be contrary to Policy NNRP3 of the Monaghan County Development Plan 2019-2025 and the proper planning and sustainable development of the area.

7.6. **Building Line**

- 7.6.1. Reason no. 4 of Monaghan County Council's decision outlines that *"Policy BLO1 of the Monaghan County Development Plan 2019-2025 seeks to generally require buildings and ancillary works in the rural area along public roads to have an 18-metre set back from the near edge of the surfaced carriageway. A number of the existing structures located within the site area including the existing storage shed contravene this development plan requirement"*.
- 7.6.2. On review of the application and on-site inspection I note that a number of the structures on site are within 18m of the public road and are therefore contrary to the requirements of Policy BLO1 of the Monaghan County Development Plan in accordance with Monaghan County Council's decision.
- 7.6.3. The appeal outlines that the applicant is willing to accept a condition in relation to a set back of the development in accordance with the requirements of Policy BL01. While I accept that this set-back could be achieved on site, I consider that there are more substantiative reasons for refusal as detailed above in relation to the principle of the development and its impact on the local road network I furthermore note that no revised drawings are details are provided for consideration of the Board. I am satisfied that the development as proposed for retention remains contrary to the

requirements of Policy BLO1 of the Monaghan County Development Plan. I recommend that permission is refused for the development on this basis.

7.7. Site Services and Impact on Water Quality

- 7.7.1. Monaghan County Council's 5th and 6th reasons for refusal relate to insufficient information in relation to storm water, wastewater and surface water drainage on site. I consider the points raised in turn as follows.
- 7.7.2. Reason for refusal no. 5 outlines that the development is contrary to Policy WPP11 of the Monaghan County Development Plan 2019-2025 which states that *"development which would have an unacceptable impact on the water environment, including surface water and groundwater quality and quality, river corridors and associated wetlands will not be permitted"*.
- 7.7.3. The appeal site is located on an area of moderate groundwater vulnerability and is underlain by a poor locally important aquifer. On review of the application, I consider that there are information deficiencies within the application in relation to surface water proposals and measures to negate against pollution of groundwater/surface water. The reports on file from MCC Engineers Department recommends a request for further information on this basis.
- 7.7.4. The first party appeal outlines that such information could have been requested by the planning authority as part of a request for further information. However, I do not consider that such a request would have been merited in this instance on grounds of the substantive reasons for refusal relating to the principle of the development on site, impact on residential amenity and road safety concerns.
- 7.7.5. The appeal provides additional details in relation to waste water and storm water proposals for the site as summarised below:
- In terms of wastewater the appeal provides clarification that there are no proposals to have toilet facilities on site and on this basis, there will be no wastewater generated.
 - The appeal outlines that a treatment system and polishing filter will be installed at the truck wash area in accordance with EPA Guidelines and discharge to a polishing filter.

- The appeal outlines that all chemicals will be stored within temporary bunded areas. Oil and fuel storage tanks will be stored in bunded areas. Drainage from these areas shall be diverted for disposal and safe disposal. The appeal furthermore outlines that the refuelling of vehicles and the addition of Hydraulic oils or lubricants to vehicles will not take place on site.

7.7.6. Notwithstanding the above I consider that there remains outstanding information in relation to storm water proposals. I note the reference to the provision of a treatment system within the truck wash area, however, the details of the treatment system are not detailed within the application or referred to within the public notices. I consider that there are information deficiencies within the application in this regard.

Surface Water

7.7.7. Monaghan County Council 6th reason for refusal relates to information deficiencies in relation to surface water treatment measures and outlines that in this regard the development is contrary to the requirements of Section 8.35 and Policies SDP 1 – SDP 5 of the Monaghan County Development Plan 2019-2025. The MCDP outlines that new development, and its associated roads, yards and parking areas increase impervious surfaces which results in an increase in surface water runoff.

7.7.8. On review of the application, I consider that there are information deficiencies within the application in relation to surface water proposals. The applicant has failed to demonstrate that the development is adequately serviced with respect to surface water drainage infrastructure. In particular I note that no details of surface water run-off quantity, run-off quality and its impact on the existing habitat and water quality is provided in accordance with the requirements of Policy SDP 3 of the Monaghan County Development Plan.

7.7.9. The appeal outlines that such information could have been provided in response to a request for further information. However, I do not consider such a request to be warranted on the basis of other substantive reasons for refusal. MCC's Municipal District Engineers Report recommends a request for further information in relation to surface water proposals for the site. No details of surface water treatment or compliance with development plan requirements has been provided by the applicant within the 1st party appeal. I consider that there are information deficiencies within the application in this regard.

7.7.10. I note the reference to Policy SDP 5 within MCC's 6th reason for refusal. This policy relates to new developments in towns/villages. I do not consider that this policy is of relevance to the proposal.

7.8. **Appropriate Assessment**

7.8.1. Having regard to the nature and scale of the proposed development and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on any European site.

8.0 **Recommendation**

I recommend that permission is refused to retain the development in accordance with the following reasons and considerations.

9.0 **Reasons and Considerations**

1. On the basis of the information provided in connection with the planning application and appeal, it appears to the Board that the development for which retention permission is sought relates to a commercial yard associated with an unauthorised haulage company use. It is considered, therefore, that a grant of permission in this instance would facilitate the expansion of a development which does not have the benefit of planning permission. Accordingly, it is considered that it would be inappropriate for the Board to consider the grant of a permission for the proposed development and the development for which retention is sought in such circumstances.

Note: 'This is a new issue in the appeal and the Board may wish to seek the views of the parties'.

2. The appeal site is located within an unzoned rural area removed from any designated settlement within the Monaghan County Settlement Hierarchy. Policy ICP 1 'Industrial and Commercial Development' of the Monaghan County Development Plan 2019-2025 outlines that "*Industrial/commercial development shall be located in or adjacent to settlements where*

infrastructure has been provided in line with the principles of sustainable development” and sets out criteria under which small scale indigenous industrial/commercial development can be permitted in the rural area outside of designated settlements. On the basis of the information submitted in conjunction with the application and appeal the Board is not satisfied that the development would be classified as a suitable extension of a small scale indigenous industrial/commercial development or the scale of the development is suitable within a rural area with a restricted local road network. The development is therefore considered to be contrary to Policy ICP1 of the Monaghan County Development Plan 2019-2025 and the proper planning and sustainable development of the area.

3. Policy RDP24 of the Monaghan County Development Plan 2019-2025 states *“Development which has the potential to detrimentally impact on the residential amenity of properties in the vicinity of the development, by reason of emissions or general disturbance shall be resisted”*. On the basis of the information submitted in conjunction with the application and appeal, the Board is not satisfied that the development does not detrimentally impact on the amenity of properties in the vicinity of the development by reason of noise impact and increased HGV movements and associated disruption. The development is therefore considered contrary to Policy RDP24 of the Monaghan County Development Plan 2019-2025 and the proper planning and sustainable development of the area.
4. Policy NNRP 3 of the Monaghan County Development Plan 2019-2025 seeks to ensure that the traffic carrying capacity and the strategic nature of the County’s road network is not adversely affected. Access to the site is provided via a local secondary road where the carriageway width is as narrow and visibility is restricted. On the basis of the information submitted in conjunction with the application and appeal, the Board is not satisfied that HGV manoeuvres associated with the development at the site entrance and on the local road network do not endanger public safety by reason of traffic hazard. The proposal is therefore considered to be contrary to Policy NNRP3 of the Monaghan County Development Plan 2019-2025 and the proper planning and sustainable development of the area.

5. Policy BLO1 of the Monaghan County Development Plan 2019-2025 seeks to generally require buildings and ancillary works in the rural area along public roads to have an 18-metre set back from the near edge of the surfaced carriageway. A number of the existing structures located within the site area including the existing storage shed contravene this development plan requirement. The development is therefore contrary to the provisions Policy BLO1 of the Monaghan County Development Plan 2019-2025 and to the proper planning and sustainable development of the area.
6. The Board considers that there are significant information deficiencies in the application in relation to surface water and waste water proposals for the site. On the basis of the information submitted in conjunction with the application and appeal, the Board is not satisfied therefore that the development would be in accordance with Policy WPP11 or Policies SDP1 – SDP4 of the Monaghan County Development Plan 2019-2025 or the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Stephanie Farrington
Senior Planning Inspector

19th of October 2023