



An
Bord
Pleanála

Inspector's Report

ABP-316695-23

Development

Extension and elevational changes to retail unit. Construction of a welfare facility building for staff. Retention for the erection of commercial signage and the site boundary treatments. Removal of an unauthorised mobile home and the operation of a car wash business.

Location

Former Oriel Filling Station, Dublin Road, Aghananimy, Monaghan, Co. Monaghan

Planning Authority

Monaghan County Council

Planning Authority Reg. Ref.

22159

Applicant(s)

Eugene Hanratty.

Type of Application

Permission & Permission to Retain.

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Eugene Hanratty.

Observer(s)

N/A.

Date of Site Inspection

25th of July 2023.

Inspector

Stephanie Farrington

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.27ha, comprises the former Oriel Filling Station, Dublin Road, Aghananimy, Monaghan. The site is located to the north of the R937 Dublin Road to the south of Monaghan town centre. The site is currently occupied by a filling station and car wash and associated parking and forecourt. 2 no. access points are provided to the site from the Dublin Road. A one-way system is in operation with traffic entering from the west and exiting from the east. The Latlorcan Glen housing estate is located to the north.

2.0 Proposed Development

2.1. The development, as described in the public notices, comprises the following:

Permission for:

- (a) The extension and elevational changes to the existing retail unit
- (b) The construction of a new welfare facility building for staff

Retention permission is also sought for:

- (a) The erection of commercial signage
- (b) The erection of site boundary treatments
- (c) The removal of an unauthorised mobile home
- (d) The operation of a car wash business

2.2. The first party appeal outlines that the proposed development seeks to refurbish and upgrade the existing fuel filling station and regularise all development on site.

3.0 Planning Authority Decision

3.1. Decision

Monaghan County Council issued a notification of decision to refuse permission for the development in accordance with the following reasons and considerations:

1. The applicant has failed to demonstrate that the proposed development will not result in a traffic hazard. The proposed ghost island arrangement does not

comply with the provisions of Transport Infrastructure Ireland's publication "Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated, and compact grade separated junctions)". To permit the development as proposed would (i) endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, and (ii) be contrary to the proper planning and sustainable development of the area.

2. Policy CP1 of the Monaghan County Development Plan 2019-2025 requires car parking to be provided in compliance with Table 15.6 of the development plan. Having regard to the layout of the proposed car parking arrangement, the applicant has failed to demonstrate suitable provision for servicing, parking and manoeuvring of vehicles associated with the proposed development. To permit the development as proposed would (i) endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, and (ii) be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (23/05/2022)

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

- The report provides an assessment of the individual elements of the proposal. It is stated that there are no objections to the proposed extension, the proposed welfare building, signage and removal of an unauthorised mobile home.
- In terms of the existing car wash, the report raises concern in relation to car parking, road safety and environmental protection.
- Under the heading of Appropriate Assessment, the report outlines that the site is located within 15km of the Slieve Beagh SPA, and the streams which flow to the north and east of the site flow into Clontibret Stream and the River Blackwater which is a tributary of the Lough Neagh SPA. The report concludes that the proposal is not of a nature or scale to have any significant

effects on the qualifying features of the above mentioned or any other Natura 2000 sites. A Stage 2 Appropriate Assessment is not required.

- The report outlines that in principle there is no objection to the proposed development. It is stated that further information is required to provide a full assessment of the proposal.
- The report recommends a request for further information in respect of (1) submission of a water protection checklist, details of foul and surface water drainage and construction phase water protection plan (2) submission of a flood risk assessment (3) a revised Site Layout demonstrating compliance with car parking standards (4) demonstration of sightlines at proposed site entrance (5) submission of SUDS assessment (6) details of finish and boundary treatment (7) clarification in relation to the status of the existing welfare building and revised finishes proposals for same (8) floorplans of the existing retail unit.

Planner's Report (03/04/2022) – Further Information

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

- The report provides a summary and assessment of the applicant's FI response.
- The report refers to the revised site layout submitted in response to Item 3 of the FI request. The report raises concern in relation to the siting and accessibility of the proposed car parking spaces. The report concludes that the development is unacceptable in terms of car parking provision.
- The report cross refers to the recommended reason for refusal from the Roads section in MCC in relation to the proposed access arrangements and ghost island proposals.

3.2.2. Other Technical Reports

Reports on Initial Application

Water Services Report (20/05/2022)

- No objection. An application for connection to the sewer line will have to be made to Irish Water prior to the commencement of development.

Fire and Civil Protection (20/05/2022)

- No objection subject to condition.

Environmental Report (13/05/2022)

- Recommends a request for further information.

Road Condition Report (10/05/2022)

- Recommends a request for further information in relation to the following-
 - demonstration of achievement of visibility splays and proposed changes to road markings and signage.
 - Submission of a TTA and RSA.
 - SUDS proposals.

Road Section Review (09/05/2022)

The report recommends a request for further information in relation to the following:

- Revised site layout plan illustrating achievement of visibility splays
- Legal agreements where required.
- Swept path analysis illustrating turning movement of HGV's.
- Stage 1 / 2 Road Safety Audit.
- SUDs Assessment

Further Information Report's

Roads Section (24/03/2023)

Recommends a refusal of permission in accordance with the following reasons and considerations:

- The proposed ghost island arrangement on the R-937 is not acceptable. There is not enough space for multiple cars of HGV's. Also there has been no consideration for the traffic volumes, traffic control etc. for the other development within the proposed ghost island.

- The ghost island arrangement should be designed to TII Geometric Design of Junctions (priority junction, direct accesses, roundabouts, grade separated, and compact grade separated junctions) DN-GEO-0306.

Road Condition Report (24/03/2024)

- The proposed ghost island on the R-937 is not acceptable. There has been no consideration for the other development within the traffic arrangement.

Environmental Report (16/03/2023)

- The report provides a summary and assessment of the applicant's response to Item 1 of the FI request. The response is deemed satisfactory.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (06/05/2022)

- No observations.

Transport Infrastructure Ireland (09/03/2023)

- TII's position is in accordance with the submission on the 06/05/2022.

3.4. Third Party Observations

None.

4.0 Planning History

PA Ref: 19/278: Application for permission to retain operation of a car wash business and the erection of commercial signage refused in July 2020. 5 no. reasons for refusal were cited in MCC's decision which related to traffic hazard associated with

sightlines at site entrance and car parking layout, lack of submission of TTA and RSA, flood risk and impact on water quality.

5.0 Policy Context

5.1. Development Plan

Monaghan County Development Plan 2019-2025

5.1.1. The site is zoned for “Existing Commercial” purposes with an objective *“To provide for established commercial development and facilitate appropriate expansion”*. The Plan outlines that *“Principal permitted uses shall be related to the existing established commercial use on site. Redevelopment and expansion of existing commercial uses may be permitted on these lands”*.

5.1.2. Table 9.3 of the Development Plan sets out the Development Zoning Matrix. The uses car wash and fuel filling station are listed as uses which are “open for consideration” on lands zoned for “Existing Commercial” purposes.

- *Flood Risk*

5.1.3. The site is identified within a Flood Risk Area as identified within the MCDP. Policy FMP 1 seeks: *“To fully implement and support, in conjunction with the OPW, the provisions of the EU Flood Risk Directive, The Flood Risk Regulations, The Planning System and Flood Risk Management- Guidelines for Planning Authorities and any updated legislation or guidelines issued during this plan period”*.

Development Management Standards- Chapter 15

5.1.4. Chapter 15 of the MCDP relates to Development Management Standards. The following standards are of relevance.

- *Advertising, Signage*

5.1.5. Section 15.5 of the Plan outlines that the assessment of planning applications for signage shall be considered in accordance with a range of criteria including the following:

a) In general, to resist the erection of advertising unless it is located on the same site to which the advert relates to or is in close proximity to a particular commercial activity.

b) The impact the advertisement will have on the general characteristics of the area including any special features of historic, archaeological, architectural, landscape, cultural or special interest.

c) The size, scale and siting of the advertisement relative to the building and street in which it is to be located. Signs should not interfere with windows or other facade features at any level.

d) The design and materials of the advertisement and its impact on the appearance of the building on which it is to be attached, the site and adjoining buildings.

e) The concentration of existing advertising structures in the area and the cumulative effect of the proposal to result in visual clutter.

f) Signage will not be permitted at roundabouts, at traffic signalised junctions, at locations where they obstruct sight lines or compete with other traffic signs or would endanger traffic safety.

l) Advertising shall not be permitted where it interferes with the safety of pedestrians, the accessibility of the public footpath or roadway, the safety and free flow of traffic or where it obscures road signs.

m) Signage shall be of an appropriate size and sited and designed to harmonise with the shop front, the facade of the building and any detailing thereon.

5.1.6. Policy ADVP 1 of the Plan seeks: *“To require that advertising proposals comply with the assessment criteria, guidance and principles set out in Section 15.5 of Chapter 15 of the Monaghan County Development Plan 2019-2025”.*

- *Road Access Standards*

5.1.7. Section 15.27 of the MCDP relates to Road Access Standards. This outlines that a well-designed access is important for the safety and convenience of all road users, those proceeding on the public road, as well as those using the access. When the Council considers proposals for a new access or the intensification of use of an existing access, it will have a number of requirements to promote safety and avoid excessive delay.

- *Car Parking*

5.1.8. Section 15.28 of the Plan relates to car parking standards. This outlines that all developments shall be required to provide within the site suitable provision for servicing, parking and manoeuvring of vehicles associated with the proposal. The minimum car parking requirement shall be calculated in accordance with the standards as laid out in Table 15.9 Car Parking Standards. Where the parking standards set out in the table do not cover the type of development proposed, the requirement shall be calculated relative to the most appropriate standard.

5.1.9. Policy CP1 seeks: *“To require car parking to be provided in compliance with Table 15.9 Car Parking Standards of the Monaghan County Development Plan 2019-2025”*.

5.1.10. Table 15.6 of the Plan sets out the following minimum car parking standards:

- Retail/Service Station – 1 per 15 sq.m. GFA.
- Car Wash – 5 waiting spaces per site without interference to other spaces or public road.

5.2. **Natural Heritage Designations**

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

- Wright's Wood p NHA (001612) – 3.1km west
- Drumreask Lough p NHA (001602) – 4.7km northwest
- Slieve Beagh SPA (004167) – 12 km northwest

5.3. **EIA Screening**

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, a serviced urban location, and the proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first party appeal was submitted in respect of MCC's notification of decision to refuse permission for the proposed development. The following provides a summary of the grounds of appeal:

Response to Reason for Refusal no. 1

- The appeal outlines that the site is occupied by an operational fuel filling station with an established entrance and exit.
- A Road Safety Audit was undertaken by the applicant in response to MCC's request for further information and the recommended improvements were incorporated within a revised site layout. Additional improvements could be provided by means of condition.

Response to Reason for Refusal no. 2

- The appeal refers to the concerns raised by MCC in relation to the accessibility of the proposed staff and customer parking spaces. A revised drawing is submitted Drawing no. 02124-002 which illustrates the provision of fully accessible parking spaces on site.
- An alternative parking area has been identified for the for the oil tanker during refilling times which maintains access to the 7 no. parking spaces at all times. The car wash has a waiting area for 5 no. cars as required.
- The appeal outlines that the car parking provision on site is fully compliant with Policy CP1 and Table 15.6 and exceeds the minimum car parking requirements.

Compliance with Monaghan County Development Plan 2019-2025

- Section 6 of the appeal sets out a statement of compliance with the proposal with the provisions of the Monaghan County Development Plan and Section 7 details compliance with the Retail Planning Guidelines.

Conclusion

- The applicant seeks to extend and refurbish an existing fuel filling station on the Dublin Road and regularise unauthorised development on the site.
- The appeal refers to MCC's internal reports which outline that there is no objection in terms of design, scale or landuse.
- The applicant is willing to work with the Roads Authority in relation to any improvement works on the public road and would accept a condition in this regard.

Appendix B- Comments by Applicant

Reason for Refusal No. 1:

- The report outlines that no material changes are made to the existing access arrangements on site.
- The Road Safety Audit identified issues associated with the current public road delineation. The public road is outside of the control of the applicant. The applicant is willing to provide improvements subject to agreement with MCC.
- It is stated that the reason for refusal unfairly penalises the applicant for an issue on the public road.
- The appeal outlines that "Geometric Design of Junctions" relates to design junctions in rural settings. It is stated that the appropriate design manual in an urban setting is DMURS. There are no design standards for right turn lanes/ghost islands/deceleration lanes within DMURS.
- Section 4.4.3 of DMURS relates to junction design and outlines that deceleration lanes should be omitted as these are not required in low to moderate speed zones i.e. up to 60km/ph. The design as proposed by the applicant removed the deceleration lane into both the application site and Bogues Site and shortens the existing deceleration lane into the Latlorcan residential estate. This would be a better option to the current layout in accordance with DMURS principles.

- There is further scope for additional amendments to the existing road delineation along the R937 which would allow further implementation of DMURS principles.
- The appeal outlines that it is disappointing that MCC have not reflected on the findings of the submitted Road Safety Audit regarding existing delineation along the R937.
- The appeal outlines that it is inappropriate for MCC to refuse permission based on non-compliance to a standard which is not applicable in this case (DN-DEO-03060). On this basis it is stated that reason for refusal no. 1 is not valid.

Reason for Refusal No. 2:

- The appeal outlines that concerns relating to car parking provision on site are not raised within the internal roads reports.
- The development includes the provision of 9 no. car parking spaces. 7 within the forecourt area. 2 no. additional staff spaces are provided to the rear. 4 additional bays are provided at the fuel island.
- The appeal outlines that the service station currently attracts 250 no. vehicles per day with a maximum hourly volume of 36 vehicles per hour.
- The appeal outlines that the proposed increase in retail floorspace is small (28 sq.m. to 41.7 sq.m.). There will be no increase in the number of fuel dispensing pumps and the car wash will generally replicate the existing facility but with improved traffic management and controls.
- The expected volume of vehicles accessing the site shall be 325 vehicles per day with a maximum of 47 per hour.
- The appeal refers to a decision of MCC for a service station upgrade in Castleblayney wherein a shortfall in 13 no. car parking spaces was deemed acceptable on the basis of the net floor area of the unit and its pedestrian connection and accessibility to residential areas. It is stated that similar considerations apply in the instance of the proposal.

- The appeal outlines that the quantum of car parking spaces being provided is appropriate and exceeds the relevant standards i.e the retail service station has a large proportion of ancillary non retail floorspace, the development adjoins a large residential area and the layout includes strong pedestrian linkages. The appeal furthermore refers to the provision of cycle parking spaces on site.
- Overall, it is stated that the quantum of spaces being provided is appropriate and exceeds development plan requirements. The appeal questions the rationale for this reason for refusal. Additional parking could be provided within the forecourt area and this could have been addressed by means of condition.
- The appeal outlines that there is no rationale for the statement on the inaccessibility of the proposed staff car parking spaces.
- The appeal outlines that the site layout includes a direct and segregated pedestrian route between the public footpath and the car parking spaces and the entrance to the retail shop. The proposed cycle parking is also provided in close proximity to the pedestrian route.
- The appeal sets out a rationale for the siting of the fuel loading area and compliance with key recommended guidance documents. The appeal outlines that the selected location of the tanking unloading area is considered to be the optimum choice from a health and safety risk perspective given the site constraints.
- The appeal acknowledges that access to 6 no. customer car parking spaces will be impeded during the filling operation however this is deemed acceptable given the low quantum of deliveries per week (2 no.) and the temporary nature of the filling operation (20 minutes). Deliveries would also be scheduled for out of hours times or less busy periods.
- The appeal outlines that this is an operational/management issue, and it is not appropriate for Planning Authority's to impose conditions regarding delivery hours. It is stated that MCC's concerns in relation to the enforceability of conditions is not relevant in this instance.

- The appeal outlines that suitable provision has been made within the site for servicing, parking and manoeuvring of vehicles associated with the proposed development. It is stated that the development will not endanger public safety by reason of traffic hazard or obstruction to road users.

6.2. Planning Authority Response

- None Received.

7.0 Assessment

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

- Principle of Proposal / Compliance with Policy
- Access – Reason for Refusal no. 1
- Car Parking – Reason for Refusal no. 2
- Other Issues
- Appropriate Assessment

7.2. Principle of Proposal / Compliance with Policy

7.2.1. The proposed development relates to works to the existing petrol filling station on Dublin Road to the south of Monaghan town centre. The development comprises of the following key elements:

Permission for:

- The extension and elevational changes to the existing retail unit
- The construction of a new welfare facility building for staff

Retention permission is also sought for:

- The erection of commercial signage

- The erection of site boundary treatments
- The removal of an unauthorised mobile home
- The operation of a car wash business

7.2.2. The appeal site is zoned for “Existing Commercial” purposes with an *objective* “To provide for established commercial development and facilitate appropriate expansion” within the Monaghan County Development Plan 2019-2025 (MCDP). The uses car wash and fuel filling station are listed as uses which are “open for consideration” on lands zoned for “Existing Commercial” purposes. The principle of the proposal is therefore acceptable in this regard.

7.2.3. I note that the development includes a number of distinct elements including permission for extension of a service filling station and new welfare building and permission to retain signage, boundary treatment and operation of car wash. The first party appeal outlines that the proposed development seeks to refurbish and upgrade the existing fuel filling station and regularise all development on site. I consider that the site at present includes a haphazard layout and that the elements of the proposal which seek to regularise existing development on the site are welcomed.

7.2.4. The main reasons for refusal relate access arrangements, car parking and potential traffic hazard. I consider that the reasons for refusal are linked to the proposed extension and car wash elements of the proposal. However, the development also includes permission for a new welfare staff facility building and permission to retain existing signage and the erection of site boundary treatments. I consider that these elements of the proposal are acceptable and in accordance with relevant provisions of the MCDP. I recommend that permission is granted and granted to retain these elements of the proposal.

7.3. Access

7.3.1. At present the site is served by 2 no. access points from Dublin Road and a one-way system operates through the site. The Dublin Road, in the vicinity of the appeal site operates within a 50 kmph speed limit. Drawing no. 02124-004 “Site Entrance & Road Markings” illustrates that sightlines at the existing exit from the development of 49m at 2.4m are achieved.

- 7.3.2. MCC's first reason for refusal relates to the layout of the Dublin Road in the vicinity of the site. The reason for refusal raises particular concern in relation to the proposed ghost island arrangement and outlines that it does not comply with the provisions of Transport Infrastructure Ireland's publication "Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated, and compact grade separated junctions)".
- 7.3.3. The works referred to within MCC's reason for refusal relate to proposed changes to the layout and markings on the R937 Dublin Road in the vicinity of the site. Such works were proposed in response to Item 4 of MCC's request for further information and are illustrated on Drawing no. 02124-004 "Site Entrance and Markings". I refer to the applicants FI response which outlines that the road delineation shown on the public road is indicative only and shall be subject to further consultation with Monaghan County Council as recommended in the Road Safety Audit.
- 7.3.4. A case is made within the first party appeal that the existing access arrangements to the site are established. The revisions to the Dublin Road illustrated on Drawing no. 02124-004 relate to the public road which is in the control of MCC. The appeal outlines that a Road Safety Audit was undertaken by the applicant in response to MCC's request for further information and recommended improvements were incorporated within a revised site layout. Additional improvements could be provided by means of condition.
- 7.3.5. The appeal furthermore refers to the reference to the Geometric Design of Junctions as cited within MCC's reason for refusal. It is stated that the appropriate design guidance is DMURS. The appeal questions the validity of the reason for refusal on the basis of non-compliance with a standard which is not applicable in this case (DN-DEO-03060).
- 7.3.6. In considering the reason for refusal I note that the principle of access to the site is established. The TTA submitted in response to MCC's FI request outlines that there will be limited additional traffic movements to the site as a result of the development. Having regard to limited scale and nature of the proposal I consider that this case is reasonable. I note that sight lines at the proposed site exit are provided in accordance with DMURS and I do not consider that the proposed works would render the existing access arrangements to the site a traffic hazard.

7.3.7. I note that the works referred to within MCC' s decision relate to markings and layout of the public road which are outside the ownership of the applicant. I note the willingness of the applicant to implement improvement works and consider that the detailed specification for such works could be subject to agreement with MCC. I am satisfied that this can be addressed by means of condition, requesting improvement works to be implemented prior to the commencement of development on site. I do not recommend that permission is refused for the development in accordance with MCC's 1st reason for refusal.

7.4. Car Parking and Layout

7.4.1. MCC's second reason for refusal relates to car parking provision on site and outlines that Policy CP1 of the Monaghan County Development Plan 2019-2025 requires car parking to be provided in compliance with Table 15.6 of the development plan. The reason for refusal outlines that *"having regard to the layout of the proposed car parking arrangement, the applicant has failed to demonstrate suitable provision for servicing, parking and manoeuvring of vehicles associated with the proposed development. To permit the development as proposed would (i) endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, and (ii) be contrary to the proper planning and sustainable development of the area"*.

7.4.2. Policy CP1, as cited within MCC's reason for refusal, seeks: *"To require car parking to be provided in compliance with Table 15.9 Car Parking Standards of the Monaghan County Development Plan 2019-2025"*.

7.4.3. Table 15.6 of the MCDP sets out the following minimum car parking standards:

- Retail/Service Station – 1 per 15 sq.m. GFA.
- Car Wash – 5 waiting spaces per site without interference to other spaces or public road.

7.4.4. The development as proposed has a gross floor area of 120.3 sq.m. (retail/service station 100.5 sq.m., 19.8 sq.m.). On the basis of the application of the standards set out in Table 15.6 of the Plan a total of 8 parking spaces would be required. The development includes the provision of 9 no. car parking spaces, including 7 no. customer parking spaces and 2 no. staff parking spaces. 4 additional bays are provided at the fuel island. 5 no. spaces are also provided for the car wash. The

provision of parking on site is in accordance with Development Plan standards and I do not consider that the development is contrary to the requirements of Policy CP1 of the MCDP in this regard.

7.4.5. MCC's reason for refusal refers to the layout of the proposed car parking spaces and the concern's raised within the planner's report which informs the decision of MCC to refuse permission for the development in relation to the accessibility of the staff and customer parking spaces.

7.4.6. I refer to the siting of the staff car parking spaces in the vicinity of the proposed car wash illustrated on the proposed Site Layout Plan submitted in support of the applicant FI response Drawing no. 02124-002-A. The first party appeal outlines that access to these spaces will not be impeded by any physical barriers associated with the car wash and auto track movements showing access are submitted with the appeal (Appendix B, page 37). I furthermore note that a revised location for staff parking is illustrated on Drawing no. 02124-002-B "Site Layout" to the east of the site. I consider that the proposed revised location is acceptable.

7.4.7. Drawing no. 02124-005, 02124-006 and 02124-007 illustrate the turning movements in HGV's in and out of the site. The auto track analysis also shows that a fuel delivery truck can access the site and designated fuel vehicle parking area without any reversing onto/off the public road. While I note that during delivery times that access to the customer parking spaces will be restricted, I am satisfied with the applicant's response that deliveries will be limited and restricted to off peak times.

7.4.8. I refer to Drawing no. 02124-002-B submitted in conjunction with the appeal which illustrates a revised location for the fuel delivery truck delivery vehicles in the vicinity of the forecourt area for the consideration of the Board. It is my view that reversing/turning movements associated with this revised location could bring the HGV vehicles into conflict with vehicles accessing the site. I do not consider that the proposed revised location is required or appropriate.

7.4.9. In conclusion, I consider that the quantum of car parking proposed is in accordance with development plan standards. I consider that the proposed layout provides sufficient space for parking, servicing and manovering of vehicles on site. I do not consider that the proposed layout and servicing arrangements would endanger public safety by reason of traffic hazard or obstruction to road users. I do not

recommend that the permission is refused for the development in accordance with MCC's second reason for refusal.

7.5. Other Issues

Flood Risk

- 7.5.1. The zoning map for Monaghan town sets out within the Monaghan County Development Plan 2019-2025 illustrates that the appeal site is located within a flood risk zone. A watercourse runs along the eastern site boundary, the western boundary of the site is also within 6m of a watercourse. The site is identified as being at risk from fluvial flooding.
- 7.5.2. A Flood Risk Assessment was submitted in response to MCC's request for further information. This identifies that the site is primarily located within Flood Zone C with area of the site being located within Flood Zone B. The use service station falls within the classification of less vulnerable development within the Flood Risk Management Guidelines.
- 7.5.3. All surface waters from the site shall be collected within the surface water drainage network and discharge to the watercourse to the east of the site. A hydro brake is in place to restrict discharge to 2.0 l/s and shall be diverted to an attenuation storage tank in instances where run off exceeds this limit.
- 7.5.4. The FRA concludes that the development shall not represent a flood risk, exacerbate existing flooding or cause flooding in the immediate vicinity or wider area. On the basis of the information submitted in conjunction with the application I am satisfied that the development does not represent a scale or format of development which would represent an unacceptable flood risk or increase flood risk within the wider area.

Water Quality

- 7.5.5. An existing watercourse runs to the north and east of the site. Concerns in relation to water quality impacts associated with the development were raised within MCC's request for further information. A Construction Phase Water Protection Plan was submitted in response to MCC's request for further information. This details mitigation measures to be implemented during the construction phase of the project to negate against impacts on the adjoining watercourses.

- 7.5.6. At operation phase surface waters from the site shall be collected within the surface water drainage network and discharge to the watercourse to the east of the site. The runoff shall pass through an interceptor prior to discharging into a watercourse.
- 7.5.7. The measures cited include standard and site-specific measures, similar to those set out in TII publication Guidelines for the Crossing of Watercourses during Construction of National Road Schemes and IFI's Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters. I am satisfied that subject to adherence to the measures set out within the Plan that the development will not result in impact on water quality.

7.6. **Appropriate Assessment**

- 7.6.1. The proposed development is not directly connected with or necessary to the management of any European site. The closest site is the Slieve Beagh SPA (004167) which is c.12km to the north-west of the site.
- 7.6.2. The existing watercourses to the north and east of the application site feed into the River Blackwater, which in turns flows north to Lough Neagh, designated as an SPA in the UK. This river forms a potential pathway from the appeal site to Lough Neagh. However, Lough Neagh is located a 'straight-line' distance of approximately 40km from the appeal site. I consider that the distance to Lough Neagh from the appeal site, and the nature of the development rules out any significant effect on the Lough Neagh SPA.
- 7.6.3. Any significant effect on the Slieve Beagh SPA can be ruled out due to the lack of pathway from the appeal site to the Slieve Beagh SPA and having regard to the distance from the appeal site to the Slieve Beagh SPA. There are no other apparent pathways to the above-named sites, nor to other Natura 2000 sites.
- 7.6.4. I note the urban location of the site, the lack of proximate, direct connections with regard to the source-pathway-receptor model and the nature of the development. I note the nature and extent of the proposal which relates to permission and retention permission for works at an existing petrol filling station within Monaghan Town.
- 7.6.5. I note the conclusion of MCC's Screening Determination which outlines that the planning authority is of the opinion that the development is sufficiently removed from

Natura 2000 sites to ensure that it will not have any significant effects on its the qualifying interests and therefore a Stage 2 Appropriate Assessment is not required.

- 7.6.6. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

- 8.1. I recommend that permission and permission to retain is granted for the proposal in accordance with the following reasons and considerations.

9.0 Reasons and Considerations

Having regard to the established commercial use of the site and the "Existing Commercial" zoning objective which seeks *"to provide for established commercial development and facilitate appropriate expansion"* within the Monaghan County Development Plan 2019-2025, it is considered that the proposed development and development proposed to be retained, subject to compliance with the conditions set out below, would be acceptable in terms of the safety and convenience of pedestrians and road users, would not constitute a traffic hazard and would be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received on the 7th of March 2023 and plans submitted to An Bord Pleanala on 28th of April 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of

development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be provided in accordance with the following details:

- (a) The proposed oil tanker parking area shall be sited in accordance with the details illustrated on Drawing no. 02124-002A dated 7th of March 2023, unless otherwise agreed with the planning authority.

- (b) Staff car parking shall be provided in accordance with the details illustrated on Drawing no. 02124-002-B dated 28th of April 2023, unless otherwise agreed with the planning authority.

Reason: In the interest of traffic safety.

3. Prior to the commencement of development, the developer shall liaise with Monaghan County Council to ascertain their requirements relating to traffic management improvement works to the adjoining road network to facilitate the development.

Reason: In the interest of orderly development and to ensure traffic safety.

4. The existing container unit and mobile home on site as illustrated on Drawing no. 02124-003 Existing Site Plan shall be removed prior to the commencement of development on site.

Reason: In the interests of orderly development.

5. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional sign(s), flag(s), logo(s) or other advertising material (or illumination) shall be erected or displayed on or adjacent to the premises without prior permission from the Planning Authority.

Reason: In the interests of visual amenity.

6. Water supply and drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the planning authority.

Reason: In the interests of public health.

7. The applicant shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health.

8. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

28th of March 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	316695-23		
Proposed Development Summary	Extension and elevational changes to retail unit. Construction of a welfare facility building for staff. Retention for the erection of commercial signage and the site boundary treatments. Removal of an unauthorised mobile home and the operation of a car wash business.		
Development Address	Former Oriel Filling Station, Dublin Road, Aghananimy, Monaghan, Co. Monaghan		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
		N/A	Conclusion
No			No EIAR or Preliminary Examination required
Yes	X	Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	316695-23	
Proposed Development Summary	Extension and elevational changes to retail unit. Construction of a welfare facility building for staff. Retention for the erection of commercial signage and the site boundary treatments. Removal of an unauthorised mobile home and the operation of a car wash business.	
Development Address	Former Oriel Filling Station, Dublin Road, Aghananimy, Monaghan, Co. Monaghan	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>No. The development is located within an existing urban context.</p> <p>No significant waste, emissions or pollutants are envisaged.</p>	<p>No</p> <p>No</p>
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>		<p>No</p> <p>No</p>

<p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>		
<p>Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans and projects would not be likely to give rise to significant effects on any other European site in view of the site's Conservation Objectives.</p>	<p>No</p> <p>No</p>
<p>• Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p> <p>X</p>	<p>• There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____

Date: _____