



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316991-23

<b>Development</b>	Construction of extension and storage facility. Retention of portable cabin, car parking, upgrade of entrances and all associated site works.
<b>Location</b>	Tirnaneill, Monaghan, Co. Monaghan
<b>Planning Authority</b>	Monaghan County Council
<b>Planning Authority Reg. Ref.</b>	22203
<b>Applicant(s)</b>	GoldCircle Mushrooms
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Mr and Mrs Mohan and others
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> March 2023
<b>Inspector</b>	Ronan O'Connor

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## **1.0 Site Location and Description**

- 1.1. The site is an existing mushroom farm with associated hard-standing concrete yard area. The site is accessed via a local secondary road, and is located approximately 3km north of Monaghan Town. The surrounding area is characterised by residential development and agricultural uses.

## **2.0 Proposed Development**

- 2.1. Permission for development consisting of 1) Two storey extension to the existing facility via provision of additional storage incorporating a dispatch area, chill area and loading area at ground floor level Ancillary office, staff facilities and storage areas at first floor level. 2) An additional storage facility adjacent to the proposed extension for use as a mushroom corridor. 3) Demolition and removal of 3 no storage sheds to incorporate additional yard space. 4) The retention of 3 no. portable cabins to the front of the site on a 3 year basis. 5) Retention of additional car parking area on site. 5) Additional landscaping, signage and boundary treatments. 7) The construction of an ESB substation to the rear of the development. 8) The upgrade of existing entrances. 9) Provision of the PV Panels on proposed extension. 10) All ancillary site development/construction works to facilitate connection to existing foul water, storm water and services. Significant further information received in relation to the submission of a noise survey and revision of site location and site layout map..

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Grant permission with conditions [decision date 6<sup>th</sup> April 2023]. Conditions of note include:

- Condition No. 2 – provision of acoustic barrier
- Condition No. 3 – removal of portable cabins from the front of site within 3 years
- Condition No. 8 – in relation to noise levels

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The First Planner's report (dated 27<sup>th</sup> June 2022) is summarised below:

- The appearance, character and scale of the proposed development is considered appropriate at this location provided the site logistics in terms of vehicle movements, which is being lost in order to accommodate the proposed extension, can be safely catered for elsewhere within the site.
- States that insufficient detail has been provided in relation to deliveries, loading, unloading, hours of operations, scale of operations within the site.
- No objections received from the 3 no. closest third party dwellings within 100m of the site
- Notes contents of the noise report/requests clarification on aspects of same.
- Other aspects require clarification/additional detail as set out in the Further Information Request.

#### **3.2.2. Further Information was requested on 30<sup>th</sup> June 2022 in relation to the following:**

1. Site boundary details
2. Planning Statement detailing (i) contribution to the rural economy (ii) nature and scale of the development proposed (iii) potential traffic impact on the adjoining road network in the area.
3. Clarification of aspects on the noise report
4. Details of proposed fencing
5. Details of existing drains/soiled water proposals/nutrient management assessment/proposals for spent mushroom compost
6. Details of signage
7. Revised site layout plan illustrating car parking provision compliant with Development Plan standards/EV charging points
8. Revised site layout plan indicating visibility splay
9. Landscaping plan

#### 10. Development contribution details/relationship with on site renewables

3.2.3. Significant Further Information was received by the Planning Authority on 13<sup>th</sup> March 2023 and included *inter alia* a revised site layout plan, Planning Statement, updated Noise Survey, details of fencing, details of signage, drainage/soiled water details, updated car parking plan, details of sight lines, landscaping drawing, details of electricity connections.

3.2.4. The second Planner's report [dated 3<sup>rd</sup> April 2023] is summarised below:

- Notes the contents of the Further Information submission.
- Notes the contents of submitted reports, including the revised Noise report.
- Recommends conditions in relation to noise.
- No further concerns in relation to the proposed signage.
- Revised car parking plans considered to be acceptable.
- Considered sight lines are achievable, notwithstanding comments of the District Engineer
- Consider that development contributions shall not be applied in respect of the solar panels element
- Notes contents of the 3 no. additional submissions received and responds to same.
- Recommends that permission be granted subject to conditions.

3.2.5. Other Technical Reports

Environment [dated 13<sup>th</sup> June 2022] – Further Information required included details of foul, storm and soiled water; capacity of existing wastewater treatment plant; details of a polishing filter/percolation area; proposals for upgrade of the soiled water collection system; details of the installed soiled water holding tank; a Nutrient Management assessment; detail of lands available for spreading (if applicable); details of outlets for spent mushroom compost

Road Condition Report [dated 13<sup>th</sup> June 2022] – Additional information requested in relation to visibility splays and maintenance of same. Follow up Email dated 27<sup>th</sup> June

stating that sight distances at the second entrance are not achievable without carrying out works to the neighbouring property.

Roads Section [14<sup>th</sup> June 2022] – No objection subject to conditions.

Chief Fire Officer [dated 15<sup>th</sup> June 2022] No objection subject to conditions.

Environmental Health Officer [dated 21<sup>st</sup> June 2022] No objection subject to condition in relation to noise.

3.2.6. Following receipt of Significant Further Information:

District Engineer [dated 3<sup>rd</sup> April 2023] – Visibility is an issue at this location/legal agreement required from property as indicated in the report

Roads Condition Report [28<sup>th</sup> March 2023] – Recommends refusal/Notes no legal agreement submitted/sightlines are not as requested.

Environment [30<sup>th</sup> March 2023] – No objection subject to conditions.

### 3.3. Prescribed Bodies

3.3.1. None.

### 3.4. Third Party Observations

3.5. 3 no. submissions were made in response to the submission of Significant Further Information. The issues raised are as summarised in the Planner's report [dated 3<sup>rd</sup> April 2023] and are generally as raised in the Third Party Appeal submission, which is summarised in Section 6.1 below.

## 4.0 Planning History

13/190 – Permission granted [decision date 6<sup>th</sup> September 2013] for 7 no. mushroom units numbered 1 to 7, retain increase in floor area to mushroom units numbered 8,9,10,11 and 14 previously granted planning permission planning ref. no. 11/39, retain existing steam room building, planning permission to increase the floor area of mushroom unit no. 1 and to raise the roof height of mushroom units numbered 2 to 7, complete with all ancillary site works

12/255 Permission granted [Decision date 3<sup>rd</sup> October 2012] to RETAIN increase in floor area and alteration to elevations and plans of packing shed previously granted P11/39 and all ancillary site works

11/39 Permission granted [Decision date 30<sup>th</sup> June 2011] for existing buildings on existing site and PERMISSIONS to construct two new mushroom growing units, new packing shed, including store, canteen area and a wood chip pellet burner storage building, change site entrance and all other ancillary site works

05/1054 Permission granted [Decision date 24<sup>th</sup> April 2006] to erect five number mushroom growing units, packing house including store, canteen and toilets, proprietary waste water treatment system, percolation area, new entrance and associated site works

97/502 Permission granted [Decision date 4<sup>th</sup> September 1997] to erect a lofted dry store structure including extension of duo-pitch type roof over existing out-offices building, adjacent to mushroom growing units

97/733 Permission granted [Decision date 31<sup>st</sup> March 1998] to retain three existing mushroom units

## 5.0 Policy Context

### 5.1. Development Plan

The Monaghan County Development Plan 2019-2025 applies. Relevant provisions are as follows:

Section 4.5 Industry. Sets out a number of key aims which include *inter alia* to promote the County's thriving agri-food sector with a view to using indigenous resources.

- 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.to create new enterprise and employment opportunities and explore opportunities to further develop competitive advantage in such areas.

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

Section 4.6 Agriculture and Forestry states that *inter alia* .. the council also recognises the increasing importance of small indigenous businesses in providing employment in local rural areas and in helping to stimulate economic activity among local

*Communities..... encourage best practice in the design and construction of agricultural installations to protect visual amenity and prevent pollution, particularly in sensitive areas; ...Encourage and promote appropriate initiatives that will secure the development and viability of existing rural communities*

Section 4.9 Small Scale Businesses in Rural Areas includes promoting the regeneration of rural areas and the retention and promotion of rural services and enterprises

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:

Positive contribution that the proposed development will make to the rural economy; Nature and scale of the proposal; Is the business more suitably accommodated at the proposed location than an urban setting; Potential impact on public health, environment and amenity; Potential traffic impact on the road network in the area



Section 15.13.7 Residential Amenity 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.

Policy RDP 24 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

Section 15.14 and Policies ICP 1 to 9 - Industrial and Commercial Development

Section 15.27 Road Access Standards and Policy RAS1 'Policy for Access Details'

Section 15.28 Car Parking Standards and Policy CP1 'Policy for Car Parking'

Section 15.19 Landscaping (Urban and Rural) and Policy LCP 1 'Landscaping Policy'

Section 8 and Objective EECS01 'Environment, Energy and Climate Change Strategic Objective

Section 15.20 Renewable Energy and Policy ENP1 'Renewable Energy'

## **5.2. Natural Heritage Designations**

- 5.2.1. No designations apply to the subject site.

## **5.3. EIA Screening**

- 5.3.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development, and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## **5.4. Appropriate Assessment**

- 5.4.1. The nearest designated site is the Slieve Beagh SPA (Site Code 004167) which is located c. 7.8km to the north-west of the site. I am of the opinion that, taking into consideration the distance of the application site from the nearest European Site, the modest nature, extent and scope of the proposed development, the established use

of the site as a mushroom growing facility, the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. 1 no. appeal has been submitted by Mr and Mrs Mohan, Mr. and Mrs. Cassidy and Mr. John Kelly, which was received on 3<sup>rd</sup> May 2023. The grounds of appeal are summarised below:

#### Principle of Development

- Intensification of use on the site
- History of retention applications
- Tirraneill Mushrooms operate from 5 other sites not three as indicated in the application
- Scale of operations cannot be described as small or medium/employs 240 people with a turnover of 8,000 tonnes
- Incorrect references to Section 15.14 of the Plan/fails to comply with assessment criteria therein (Policy ICP 1)
- No supported by any sequential type test
- Policy BRP 3 is not relevant
- Comparison is made to the Hackett's Mushroom site, located 525m to the south-east
- Development is contrary to Policy ICP 1 and should be refused

#### Traffic Issues

- Road safety issues

- Adjoining road is a narrow secondary road/heavily vegetated embankments/dense mature hedgerows
- Use of the lay-by in front of the appeal site to unload/load lorries/can restrict access for other road users
- Deliveries occur at all times of the day and night/Operation of forklifts on road safety
- True extent of traffic generated by the existing business and the associated impacts on the environment have not been properly quantified/has prevented the PA from making a thorough and informed decision as to the suitability of the proposed development
- On average there are 14 to 15 articulated lorries per day/increases at peak periods of the year
- No traffic assessment or road safety report was submitted with the application/nor sought by the PA/was a concern in original submissions
- Contrary to the provisions of Policy TP 8
- Sightlines will be blocked by parked lorries and containers
- Entrances do not comply with the Design Manual for Roads and Bridges
- The rural location means the business is entirely vehicle dependant that must relay on a secondary rural road which cannot accommodate such volumes of traffic
- Will result in increased carbon emissions
- Conflicts with Section 8.33 of the Development Plan to reduce impacts of climate change/Proposal is contrary to Policy CCP 6

#### Impacts on Residential Amenity

- Deficiency in the submitted Noise Assessment Report/survey was only carried out over a four day period on dates that were not contiguous/Does not include day time surveying on the 3<sup>rd</sup> and 5<sup>th</sup> Jan
- Predicted noise levels what limited only to equipment
- Noise and vibration impacts result in disturbance

- Is not compliant with Policies ICP 1(d) and AGP 1(d)
- Concerned in relation to proximity of the proposed development to their rear garden and seating area
- An ESB substation and an MV transformer will be located immediately adjacent to the boundary hedge
- A turning circle is proposed for the south-easternmost corner
- No explanation as to why this part of the appeal site chosen to provide these elements
- No logic or need for a turning circle at this location/impacts of noise from engines, air brakes etc/should be omitted or relocated
- No enforceable planning conditions in relation to noise
- Will not have an opportunity to review the proposed acoustic barrier that is required by Condition 2 of the PA's decision
- Application is not considered compliant with Policy DM 2
- Operations on the site are carried out 7 days a week/Articulated lorries arrive as early as 6am and can continue until 2am
- Unlikely that the applicant will revert to the more restrictive operating hours as set out in Condition 4 of the PA decision
- Not confident that any of the mitigation measures will ever be implemented
- Will result in a devaluation of Appellants' property

#### Landscape and Visual Amenity

- Site is located in the LCA 2 – Blackwater Valley and Drumlin Farmland Character Area
- Policy HLP 8/Policy ICP 1(h) seeks to protect these landscapes
- The portacabins and new two storey extension and free standing storage building will not be adequately screened by the proposed landscaping
- Will exacerbate the appeal site's industrial and urbanising appearance that is in stark contrast to the surrounding rural landscape

- Is contrary to Policy ICP 1(e)
- PA's assessment did not give proper consideration to the protection of landscape

## 6.2. Applicant Response

6.2.1. The First Party has submitted a response to the appeal (received on 23<sup>rd</sup> May 2023)

- Reference is made to the Irish Mushroom industry generally, including a reference to the Teagasc Irish Mushroom Industry Survey (2021)
- Development will ensure ongoing viability of the business
- Reference is made to the planning history of the site
- Clear socio-economic benefits delivered for the rural economy
- Delivery of the extension, incorporating a chilled area for loading/dispatch is a key requirement to improve the existing operational efficiency of the site/currently takes place in a non-refrigerated loading bay
- Site typically operates 9am-6pm for yard and dispatch duties/occasional duties in Saturdays
- Proposal represents a no-change scenario in terms of operating cycles/may achieve efficiency and reduced working hours
- Reference is made to relevant planning policies including those within the NPF, the Action Plan for Rural Development, Food Wise 2025, the Regional Spatial and Economic Strategy, the Monaghan Local Economic Community Plan 2016-2021 and the Monaghan County Development Plan 2019-2025

### Principle of Development

- Mushroom farms fall with the definition of agricultural, as defined within Section 2 of the Planning and Development Act/ Policy BRP2 and BRP 3 are applicable/Proposal is compliant with same
- Is not industrial, with reference to Article 5 of the Planning and Development Regulations/ Policy ICP 1 is not applicable
- Section 4.9 of the Development Plan is of relevance

- PA assessed application under Section 4.5, INDP2 and INDP9 and were fully satisfied that the policy tests were met
- Operational need is for the works to be located within the existing mushroom farm
- Not practicable, sustainable nor viable for other locations to be considered

#### Traffic Issues

- All car parking, HGV parking and loading areas are fully contained within the site
- The development typically has 4 HGV movements per day/split between deliveries of mushroom compost, supplies and the dispatch of mushrooms
- Volume of HGV traffic is already established under the parent permissions/there will be no additional growing tunnels and no increase in HGV traffic associated with the business
- Adequate capacity to cater for all vehicles within the site
- Parking and loading of all vehicles can be ensured by planning condition

#### Residential Amenity

- No aspect of the proposal is encroaching closer towards neighbouring 3<sup>rd</sup> party dwellings
- Closest dwelling to the south is within the applicant's ownership
- No issues arise in relation to overbearingness or loss of privacy
- A comprehensive Noise Assessment was carried out
- Proposal has demonstrated that there will be no adverse impact on residential amenity

#### Visual Amenity

- Reference is made to the Planner's report which considers same

### **6.3. Planning Authority Response**

#### **6.3.1. None received.**

#### 6.4. Observations

6.4.1. None received.

### 7.0 Assessment

7.1. I propose to consider the matters arising in this case under the following headings:

- Principle of Development
- Impacts on Residential Amenity (including noise impacts)
- Traffic and Transport
- Visual Impact/Visual Amenity/Landscape Impacts
- Waste, Foul and Surface Water
- Other Issues

#### 7.2. Principle of Development

- 7.2.1. The Third Party Appeal submission states that there will be an intensification of the use on the sit, and that this issue has not been considered by the Planning Authority. It is further set out that the proposal is not compliant with Policy ICP 1 (Policy for Industry and Commercial Development) and the assessment criteria therein. It is also contended that the application was incorrectly assessed against Policy BRP 3 (Small Scale Business in Rural Areas Policy) and it is stated that this is not relevant in this instance, noting *inter alia* the scale of the business.
- 7.2.2. The First Party response states that the proposed development will incorporate *inter alia* an extension to facilitate a chilled area for loading and dispatch, and there will be no change in terms the operating cycle. It is also stated (in relation to the issue of traffic movements) that there will be no additional growing on the site as a result of the proposed development. In relation to the polices that are applicable to the proposed development, it is stated that mushroom farms falls within the definition of agricultural, as defined with the Planning and Development Act, and therefore Policy ICP 1 is not of relevance.
- 7.2.3. In relation to the above, I note the principle of the mushroom business on the site has been established under the various permissions that relate to this site, and

which are detailed in Section 4 of this report. In relation to the issue of intensification of the use, there is no evidence on file to support this assertion. The extension will facilitate *inter alia* a chilling area, and there are no additional growing facilities proposed under this application.

- 7.2.4. In relation to the policies that are applicable to the proposed development, I am of the view that the most applicable policies are those that relate to agriculture and small scale rural businesses. However, I accept that the proposal could be defined as commercial also (but not, in my view, industrial). As such, where relevant, those policies as set out under ICP 1 'Policy for Industry and Commercial development' could also apply to this proposed development, and I have considered this issue below.
- 7.2.5. Generally speaking the Monaghan County Development Plan 2019-2025 is supportive of the agri-food sector, the agricultural sector, small scale rural businesses and commercial development, with relevant provisions supporting same set out in Section 4.5 (in relation to the agri-food sector), Policies INDP 2 (in relation to the expansion of commercial uses), Section 4.6 Agriculture and Forestry (in relation to small indigenous businesses); Section 4.9 and Policies BRP 1 to 3 (as relates to Small Scale Businesses in Rural Areas). This support is subject to safeguards which includes the provision of appropriate landscaping, machinery parking and circulation, appropriate disposal of foul and surface water (as set out in Policy INDP 9), visual amenity and pollution prevention (as set out in Section 4.6), contribution to the rural economy, nature and scale of the proposal, locational considerations, public health, environmental, amenity and traffic impacts (as set out in Policy BRP3).
- 7.2.6. In relation to the above criteria, as noted above, the proposed use is a permitted use at this location, and as set out above, there is no intensification of this use occurring, and I am not of the view that a consideration of an alternative location is of relevance here. I have considered other relevant criteria in the relevant sections below.
- 7.2.7. Specifically in relation to the criteria as set out under ICP 1 'Policy for Industry and Commercial development', I would note the following. Part (a) of same refers to location, and as stated above, I am not of the view that a consideration of an alternative location is applicable here. Part b refers to a change of use of existing



industrial lands/buildings and is not relevant here. Part c refers to new industrial commercial uses or the expansion of existing industrial uses within settlements, and this is not relevant here. Part d refers to the provision of a buffer zone where industrial and sensitive land uses adjoin. I am not of the view that this applies here, given that it applies to industrial uses. However, consideration in relation to general impacts on amenity still apply (as set out in Section 7.3 of this report). Parts e and f refer to layout and impact on landscape, and the provision of a landscaping scheme, and I have considered same in the relevant sections below. Part g refers to the redevelopment of redundant mushroom, poultry and pig units and is not of relevant here. Part h refers to small scale indigenous/commercial development in rural areas and states that such development may be permitted subject to criteria related to alternative sites, impact on landscape, traffic impacts and screening of external storage. Where applicable, I have considered same in the relevant sections below.

- 7.2.8. As such, I am of the view that the development as proposed is acceptable in principle, having regards to the considerations above, and subject to the considerations below.

### **7.3. Impacts on Residential Amenity (including noise impacts)**

- 7.3.1. The Third Party Appellants have raised concerns in relation to noise and vibration, as a result of the operations of the mushroom growing facility, including that emanating from plant and machinery, as well as noise from the HGVs servicing the facility. In relation to the latter, it is questioned as to why the south-eastern most corner of the site (the corner closest to one of the named appellant's rear garden) was chosen for the location of the proposed turning circle. The location of the An ESB substation and an MV transformer directly adjacent to the boundary hedge is also raised as an issue. The methodology of the Noise Impact Assessment is also questioned. It is stated that the proposed development is not compliant with is not compliant with Policies ICP 1(d) and AGP 1(d) of the Development Plan.
- 7.3.2. In response to the Third Party Appeal, the First Party has stated that no aspect of the proposal is encroaching closer towards neighbouring 3<sup>rd</sup> party dwellings, and it is stated that the closest dwelling to the south is within the applicant's ownership. It is further stated that the proposal has demonstrated that there will be no adverse impact on residential amenity, with a comprehensive Noise Assessment carried out.

- 7.3.3. A revised Noise Assessment Report was received by the Planning Authority on 13<sup>th</sup> March 2023, as part of the Further Information submission. In relation to same, it is noted that the main source of noise on the existing/proposed development will be forklifts, lorries delivering raw materials, lorries exiting with finished produce, fans in the chilling area, heating systems and vehicle in the car parking area. It is noted within the report that there will be fans built into the facades and roof of the chilling unit and that these fans are likely to allow for noise escape. It is further stated that these fans will have a lower decibel reading due to technology improvements in their design. It is also noted that the hours of working will be from Monday to Friday 8am to 6am and Saturday 8am to 5pm, with no forklifts or lorry movements during nighttime hours. The refrigerating and heating units will be operational 24/7.
- 7.3.4. Noise monitoring took place in 6 no. locations, generally close to the boundaries of the site. At the western boundary noise levels averaged 37 db L<sub>Aeq</sub> during the night and 44 db L<sub>Aeq</sub> during the day. At the eastern boundary, noise levels averaged 51 db L<sub>Aeq</sub> during the night and 56 db L<sub>Aeq</sub> during the day. I would note that the highest noise levels are seen to arise at NML 3, on the western boundary closest to the centre of the site, with nighttime noise levels measured at 62 db L<sub>Aeq</sub> and daytime noise levels measured at 66 db L<sub>Aeq</sub>. The noise report sets out predicted noise levels at various noise sensitive receptors (NSLs) within 250m of the proposed development, which includes the residential dwellings in the surrounding area. In order to model the predicted noise levels, the noise levels recorded for key pieces of equipment on other noise surveys is set out (which include refrigerating units and lorry movements). The worst case of these readings, with the baseline noise survey added to it was used as a reference for the noise predicted from the proposed development, with the worst case scenario and existing daytime baseline noise levels set out in Tables 12 and 13 for daytime and nighttime noise levels respectively, at the western and eastern boundaries of the site.
- 7.3.5. Table 14 sets out that predicted noise levels at the various NSLs will be within acceptable parameters, with the highest predicted daytime noise levels at NSL 6 (which is the residential property located just south of the application site boundary), with daytime noise levels predicted to be 53.1 db L<sub>Aeq</sub> and 35.2 db L<sub>Aeq</sub>, with lower levels predicted at all other locations. These levels are within the legal limits for emissions from industries which are set out in Table 1 of the noise report (which are

55 db  $L_{Aeq}$  for daytime and 45 db  $L_{Aeq}$  for night-time. I note that the levels are the 'worst-case' scenario levels (with no account taken of the acoustic insulation of the buildings themselves) but they are also relatively close to the acceptable levels at NSL6. For this reason, I am minded to concur with the view of the Planning Authority that an acoustic barrier should be placed on the southern boundary to further mitigate against potential noise. I also note that an acoustic barrier of 1.8m in height is proposed between the car park and the residential dwellings to the west, as detailed in the submitted drawings and this will further mitigate against any potential noise impacts emanating from the use of the car park area.

7.3.6. Specially responding to the issues raised in the appeal in relation to the methodology of the Noise Report, I have no issues in relation to the timings or otherwise of the baseline noise survey and there is no indication that the survey does not provide a representative sample of the baseline noise environment. The predicted noise levels have taken account of the baseline noise environment, and the proposed noise generators on the site, including the refrigeration units and the movement of lorries within the site. I would note that there is no indication that any potential noise from the ESB Substation and transformer, located adjacent to the neighbouring rear garden, has been considered with the Noise Assessment. In relation to same, I am minded to recommend a condition requiring details of acoustic shielding the ESB substation and transformer, noting that the substation and transformer will be located within a standalone structure, which will enable appropriate acoustic shielding to be applied to same. I would also recommend that a condition be imposed limiting noise levels on the boundaries of the site, should the Board be minded to approve the development as proposed (as recommended by the Council's Environmental Health Officer (report dated 21<sup>st</sup> June) and as included on the Council's decision (Condition No. 8 of same).

7.3.7. Overall, I am satisfied that noise levels from the proposed development will not have a significant adverse impact on the amenity of the adjoining properties, subject to the conditions as recommended.

#### **7.4. Traffic and Transport**

7.4.1. The Third Party Appeal raises concerns in relation to impacts on road safety, noting in particular that the access road is a narrow road with limited visibility. Impacts of

loading and unloading operations are also raised as a concern, and it is stated that HGVs are parked partially within the road, obstructing other road users and further limiting visibility. The operations of forklifts on and around the site is also of concern. The appeal also sets out that the extent of traffic generated by the existing business is not known and it is set out that there are, on average, 14 to 15 HGV movements per day, which increases at peak periods in the year. It is set out that no traffic assessment or road safety report was submitted with the application. It is contented that the application is contrary to Policy TP 8 of the Development Plan and is contrary to Policy CCP 6 as relates to climate change.

- 7.4.2. In response to the Third Party Appeal, the First Party has stated that all traffic movements are fully contained within the site, and the development has typically 5 HGV movements per day. It is further set out that the volume of HGV traffic generated has already been established under the parent permissions, and that there will be no additional growing tunnels, and subsequently no increase in HGV movements associated with the business.
- 7.4.3. As noted above, there is no evidence on file that there will be an intensification of the permitted use on the site, and subsequently there is no evidence to suggest that there will be an increase in traffic movements associated with the development. Therefore, I am not of the view that a standalone Traffic Impact Assessment would be required in this instance. However, by virtue of the nature of the application, which proposes *inter alia* a turning circle for HGVs within the site, there will be changes to the nature of traffic movements into the site and onto the public roadway.
- 7.4.4. In relation to the same, I note that sightlines of 70m can be achieved from the proposed secondary access/egress point. I note that the Planning Authority have accepted that there are adequate sightlines from this proposed access/egress point. I note the Roads Department had raised concerns in relation to same, and had queried if sightlines could be achieved without a third party agreement in relation to trimming of hedgerows. However, I would note that the closest dwelling house is within the ownership of the applicant and is within the blue line boundary, and as such it is possible to condition that visibility splays be maintained (by maintaining vegetation etc). In relation to unloading and loading activities encroaching onto the public road, I am of the view that, should the Board be minded to approve the

proposed development, a condition should be imposed that would require all servicing to take place within the boundaries of the application site.

- 7.4.5. In relation to the considerations above, I am satisfied that there would be no material impact on the carrying capacity of the surrounding road network, nor would there be any material impact on road safety, as a result of the proposed development, subject to conditions.

## **7.5. Design, Visual Impact and Impacts on Landscape**

- 7.5.1. The Third Party Appeal submission raised concerns in relation to impacts on the landscape. It is further stated that the proposed landscape screening is inadequate.
- 7.5.2. The proposed extension involves a two-storey extension to the existing storage building to facilitate a chilled dispatch area, as well as ancillary office, canteen and changing areas. The height of the existing storage building is also proposed to be increased by approximately 0.6m. I am of the view that the proposed scale of the extension is acceptable and would not appear out of context with the existing buildings on site. The visual impact on same from surrounding residential properties is very limited, with the proposed extension being centrally located on the site. In relation to the impact on the landscape, I am not of the view that there will be any adverse impacts on same, for similar reasons as set out above, i.e. the extension is moderate in scale, and set in within the existing built form on the site, with limited impacts on the surrounding landscape.
- 7.5.3. In relation to the visual impacts of the 3 no. portacabins proposed for retention, I note that the Planning Authority has recommended a condition that requires the removal of same from the site within 3 years of the decision of the Planning Authority. While I am of the view that the visual impact of the portacabins is limited, they do have the appearance of temporary structures, and I see no reason to modify or omit the condition as proposed by the Planning Authority.
- 7.5.4. In relation to the proposed landscaping, I note that a revised landscaping plan has been submitted with at Further Information Stage which indicate additional planting to the roadside edge, as well as within the site. While there is already existing trees in place on the western boundary of the car parking area, additional hedgerow planting is proposed. This will further limit views from the nearest existing dwellinghouse located on the opposite side of the road from the proposed

portacabins and car parking area. While I concur there is limited screening of the proposed extension to the storage area, the visual impact of same from adjoining properties is limited, as discussed above, and I am not of the view that substantial screening of same is necessary.

#### **7.6. Waste, Foul and Surface Water**

- 7.6.1. Following an initial Further Information request in relation to waste water and surface water proposals, the applicant submitted additional information in relation to same and this information was to the satisfaction of the Planning Authority, who raised no further concerns, subject to conditions.
- 7.6.2. In relation to waste, foul and surface water proposals, details of same are set out in the Further Information submission. Stormwater run off will run to the existing storm sewer which drains to the existing stream to the north of the site. It is proposed to install a new petrol interceptor prior to discharge to the stream. Washwater will be diverted the existing holding tank. Soiled water from the site will be spread over landbanks as outlined in the Nutrient Management Assessment (Fig 2 of same outlines a total of 4 no. fields to the north, east and south-east of the site. This will be spread in compliance with the Good Agricultural Practice for the Protection of Waters Regulations, 2017.
- 7.6.3. In relation to foul water, the Site Suitability Report, submitted at Further Information Stage, recommends the construction of a secondary wastewater treatment system and of an Ecoflo CoCo filter and gravel distribution bed, which is in response to Point 5(iii) of the PA's Further Information request.
- 7.6.4. I am satisfied that the proposals for waste, foul and surface water disposal are acceptable, subject to standard conditions.

#### **Other Issues**

- 7.6.5. Property Value - The third party appellants state that the proposed development will have a negative impact on property value. In relation to same, I am of the view that a the modifications to an existing agri-food development, such as those proposed under this application, in an rural agricultural area such as this one, would be considered an acceptable and expected form of development, and supported in principle by Development Plan policies, and while I note the content of the appeal

submitted, I do not think it is a reasonable assertion that property values would be diminished by a development such as the one proposed here.

- 7.6.6. Impacts on Climate Change – I am not of the view that the additional processes on the site, such as that proposed here, would have a significant impact on emissions emanating from the site, and subsequently would not have an impact on climate change generally. It would appear that at least some of the energy used by the facility is generated by existing PV panels, and I note that PV panels are proposed for the roof area of the extended storage building, which will further reduce potential emissions from the site.

## **8.0 Recommendation**

- 8.1. I recommend that permission be GRANTED .

## **9.0 Reasons and Considerations**

The proposed development is in compliance with the relevant policies as set out in the Monaghan County Development Plan pertaining to agri-food uses, agricultural uses, small scale rural businesses and commercial uses, noting that the principle of the mushroom growing use on the site has been established under the parent permissions relating to the site, and the development as proposed does not constitute an intensification of the use on the site. Subsequently, it is not considered that there will be an increase in traffic movements associated with the use, as a result of the proposed development. As such, it is not considered that there will be significant adverse impacts on the surrounding road network. Subject to conditions in relation to servicing and maintenance of sightlines it is not considered the proposal result in a traffic hazard. Furthermore, subject to conditions, there will be no material impact on surrounding residential amenity, having regard to potential noise impacts emanating from the site. The design of the proposed development is considered acceptable and it is not considered that any adverse visual impacts or adverse impacts on the surrounding landscape would result from the development as proposed.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13<sup>th</sup> Day of March 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the applicant shall submit to the Planning Authority for agreement in writing, the following:</p> <p>(a) Revised plans and particulars detailing acoustic shielding/insulation to the structure housing the ESB substation and MV transformer.</p> <p>(b) Revised plans detailing an acoustic barrier to be provided along the southern site boundary (to the north of the rear garden of the closest third party residential dwelling). The details as agreed under this condition shall be implemented prior to the use of the turning circle hereby approved.</p> <p><b>Reason:</b> In the interests of residential amenity.</p>
3.	<p>The noise level from at the boundaries of the development hereby approved shall not exceed 55dB(A) equivalent continuous level (leq) at any point along the boundaries of the development between 08.00 hours and 18.00 hours Monday to Friday and between 08.00 hours and 17.00 hours Saturday. At all other times, the noise level shall not exceed 45dB(A) equivalent continuous level (leq). Where noise is impulsive in nature or has clearly audible tone components the above limited shall be reduced by 5dB(A).</p> <p><b>Reason:</b> In the interests of residential amenity.</p>



4.	<p>The portable cabins located to the front of the site (closest to the eastern boundary) shall be removed from the site area within three years form the date of grant of planning permission.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
5.	<p>The development hereby approved shall not operate outside the following times, unless agreed in writing with the Planning Authority:</p> <ul style="list-style-type: none"> <li>Monday to Friday 08:00am to 18:00pm, Saturday 08:00am to 17:00pm nor at any time on Sundays, Bank or Public Holidays.</li> </ul> <p><b>Reason:</b> In the interests of residential amenity.</p>
6.	<p>Site access arrangements, and the provision and maintenance of visibility splays, shall comply with the requirements of the planning authority for such works.</p> <p><b>Reason:</b> In the interests of road safety.</p>
7.	<p>All servicing of the facility, including unloading and loading of produce, shall take place within the confines of the site boundaries and shall not encroach onto the public road.</p> <p><b>Reason:</b> In the interests of road safety</p>
8.	<p>All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the planning authority. Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the planning authority.</p> <p><b>Reason:</b> In the interests of visual amenity and to integrate the development into its surroundings.</p>

9.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works</p> <p><b>Reason:</b> To ensure adequate servicing of the development, and to prevent pollution.</p>
10.	<p>(a) A certificate of installation and commissioning of the wastewater treatment system and Ecoflo Co Co Filter &amp; gravel distribution bed shall be submitted to the Environment Section of Monaghan County Council within 6 months from date of grant of planning permission.</p> <p>(b) The developer shall arrange for the installation of an alarm system on the wastewater treatment plant to notify relevant personnel in the event of failure of components of the wastewater treatment.</p> <p>(c) The developer shall enter into a contract for the future maintenance and servicing of the wastewater treatment system in accordance with the manufacturers recommendations. A copy of maintenance and servicing checks shall be maintained onsite.</p> <p>(d) Desludging of the wastewater treatment system shall be carried out in accordance with manufacturer's recommendations and shall be carried out by a suitably permitted contractor in accordance with the requirements of the Local Government, Waste Management, Act,1996.</p> <p>(e) All existing and proposed surface water drainage systems shall be maintained and installed to ensure that no polluting matter enters the surface water collection system and in accordance with the stormwater drainage proposals submitted with this application. A manhole shall be installed at the outlet from the interceptor to allow for sampling of surface water to take place. The interceptor shall be inspected and serviced/maintained as per manufactures recommendations and records of servicing/maintenance shall be kept onsite. The recommendations of the CCTV shall be completed.</p> <p><b>Reason:</b> In the interest of public health and environmental protection.</p>

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

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Ronan O'Connor  
Senior Planning Inspector

28<sup>th</sup> March 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	316991-23		
<b>Proposed Development Summary</b>	Construction of extension and storage facility. Retention of portable cabin, car parking, upgrade of entrances and all associated site works.		
<b>Development Address</b>	Tirnaneill, Monaghan, Co. Monaghan		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	
<b>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?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	<b>X</b>		Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	
<b>Yes</b>	<b>X</b>	Class 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-	Extension to permitted mushroom growing facility/No
			<b>Conclusion</b>
			No EIAR or Preliminary Examination required
			Proceed to Q.4

		up area and 20 hectares elsewhere. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)	additional growing proposed on site. Stated site area is 1.612 Ha (applicable threshold is 20 Ha).	
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2 - Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	316991-23	
<b>Proposed Development Summary</b>	Construction of extension and storage facility. Retention of portable cabin, car parking, upgrade of entrances and all associated site works.	
<b>Development Address</b>	Tirnaneill, Monaghan, Co. Monaghan	
<b>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.</b>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?  Will the development result in the production of any significant waste, emissions or pollutants?	<p>There is an existing mushroom growing facility on site with associated growing and storage sheds, with ancillary offices. The proposed development would not be exceptional having regard to this existing context.</p> <p>Localised construction impacts will be temporary. The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable.</p>	<p style="text-align: center;">No</p> <p style="text-align: center;">No</p>
<b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?	<p>The size of the development is not exceptional in the context of the existing environment.</p>	No



**Inspector:** \_\_\_\_\_

**Date:** \_\_\_\_\_