



An
Bord
Pleanála

Inspector's Report ABP-317805-23

Development	Retention of alterations to lands, demolition to structures and all associated site works.
Location	Cornecassa Demesne, Monaghan, Co. Monaghan
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	22349
Applicant(s)	Gerry Mullin
Type of Application	Retention Permission/Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Lindsey Quinlan
Observer(s)	None
Date of Site Inspection	23 rd November 2023
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1. The site is located in close proximity to Monaghan Retail Park and is located approximately 2km from Monaghan Town Centre. The site is accessed via a local road off the N54 National Road. The stated site area is 0.69 ha. The site is levelled and surfaced with stone.

2.0 Proposed Development

- 2.1. Permission for development consisting of retention of alterations to existing ground levels and stoning of lands, retention of farm gate constructed on existing entrance serving property to the northeast of this site, proposed dry good storage building/structure and dry goods open storage bays, demolition of existing derelict shed, proprietary wastewater treatment system and raised/mounded soil percolation system, water supply from existing well, storm water drainage and landscaping, proposed new entrance from public roads and gates to serve proposed new development, and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Grant permission. There are no conditions of particular note.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- A commercial use is acceptable in principle with the 'Industry, Enterprise and Employment Zoning (Section 9.2)/Extent of the commercial ('dry good' storage) use has not been sufficiently described/outlined.
- Not confirmed if the sight lines are achievable.
- Unconfirmed if the traffic generated by the proposal would be appropriate for the associated local road/would not result in unsustainable traffic movements/would not necessitate roads improvements.

- Unconfirmed if the residential amenity of properties in the vicinity would not be detrimentally affected.
- Landscaping plan should have been submitted.

3.2.2. Further Information was requested in relation to the following issues:

1. Details of the nature of the 'dry goods' storage development
2. (a) visibility splays (b) legal agreements with adjoining landowners (c) swept path analysis
3. Details of traffic generation/nature of the proposed dry goods storage use
4. Impact on residential amenity
5. Landscaping Plan

3.2.3. Further Information was received on 22/06/2023 and was considered acceptable by the Planner. The recommendation was to grant permission.

3.2.4. Other Technical Reports

- EHO [01/09/23]– Conditions recommended
- Roads Section [09/09/23] – FI needed
- Engineer/Roads Condition Report [10/07/23]– No objection subject to conditions (Following submission of FI)
- Building Control/Fire Officer – No objection subject to conditions
- Environment Section [27/09/23] – No objection subject to conditions.

3.3. **Prescribed Bodies**

3.3.1. None.

3.4. **Third Party Observations**

3.4.1. 1 no. third party observation was made from Lindsey Quinlan. The issues are as per the appeal submission.

4.0 Planning History

4.1.1. 05/563 – Permission refused [decision date 14th February 2005] for a proposed two storey building to include 2 no. retail outlets and associated storage to ground floor and office to first floor, proposed car parking, waste water treatment system, new entrance and all associated site works, (previous outline planning ref no 01/580) for 2 no. reasons:

1. The applicant has failed to demonstrate that the proposed retail development at this location outside Monaghan Town Centre, would be in conformity with the Retail Development Strategy for County Monaghan and DoEHLG Retail Planning Guidelines. Consequently, to permit the proposed development would be contrary to the policies set out in the Retail Development Strategy for County Monaghan and the DoEHLG Retail Planning Guidelines, and would therefore be contrary to the proper planning and sustainable development of the area.
2. The applicant has failed to demonstrate that adequate sewerage facilities can be provided for the proposed retail development. Consequently, to permit the proposed development would be contrary to public health and the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

The site is zoned for Industry, Enterprise and Employment under the Monaghan County Development Plan 2019-2025.

Relevant Policies and Objectives include:

MP0 6 Promote Monaghan as the key industrial and employment centre in line with its County Town Status.

ICP 1 Proposals for industrial and commercial developments will be permitted subject to the following criteria:

- a) Industrial/commercial development shall be located in or adjacent to settlements

where infrastructure has been provided in line with the principles of sustainable development.....

c) New industrial/commercial uses or the expansion of existing industrial uses within settlements shall be permitted where;

- The scale, design and materials are cognisant of the setting and are in keeping with the surrounding area and adjoining developments.
- There is no adverse impact on the character or setting of the settlement or the amenity of residents.

d) The provision of a buffer zone up to 15m in width, or as otherwise determined by the Planning Authority according to the proposed operations, where industrial and other sensitive land uses adjoin, to ensure amenities of adjacent properties are not adversely affected and that there is no significant amenity loss by way of noise, smell or other nuisance to immediate neighbours or the area in general as a result of the proposed development, lighting and the amount of traffic generated or the servicing arrangements.

e) The provision of a high-quality layout scheme which demonstrates that the proposed buildings are not dominated by extensive car parking, hard standing or roads and that the topography and surrounding landscape are respected as appropriate.

f) The provision of a detailed quality landscape plan, planting schedule and planting programme with all applications to include semi-mature indigenous trees that will reduce the visual impact of the proposed buildings....

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

5.2. Natural Heritage Designations

- Wright's Wood pNHA (001612) – 0.2km north-east of the site
- Ulster Canal pNHA (001611) - 1.1km south-west of the 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.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third party appeal has been received from Lindsay Quinlan, Tullygrimmes. Co. Monaghan.
- Proposal will result in a road safety risk/there is no footpath on the local road
 - Increased traffic accessing of the N54/turning right from same
 - Poor condition of road/insufficient width
 - No assessment of impact on the local road
 - Road cannot withstand additional traffic
 - Question accuracy of the Traffic and Transport Assessment
 - Visual impact of previous works on site
 - Impact on privacy resulting from the proposed development
 - Permission was refused in 2006
 - Question the need for development/if there is a need could be accommodated in the retail park/vacant units therein
 - Impact of previous construction works/no health and safety measures put in place

- Will raise security concerns
- Unaware of the new information submitted to Monaghan County Council

6.2. **Applicant Response**

6.2.1. None received.

6.3. **Planning Authority Response**

6.3.1. None received.

6.4. **Observations**

6.4.1. None received.

7.0 **Assessment**

7.1. The main issues in relation to this appeal are as follows:

- Principle of Development/Suitability of the Site/Need for the Development.
- Traffic and Transport Impacts
- Impacts on Residential Amenity

7.2. **Principle of Development/Suitability of the Site**

7.2.1. The site is zoned IE 'Industry, Enterprise and Employment', and is one of a number of sites zoned as such at the western extent of Monaghan Town. The proposed use was clarified by the applicant at Further Information Stage and essentially comprises of self-storage units as well as ancillary staff facilities including office, canteen and WCs. The storage use could reasonably be described as warehousing, which is a use that is permitted in principle within this zoning designation. As such, the use of the site for the use proposed here is permitted in principle. Furthermore, and in response to the concerns raised by the third party appellant in relation to development coming forward on this site, I would note that this site, and the wider area, is zoned for development and. as such, it is to be expected that the nature of the area would be therefore altered. Given the site is suitable for the development as proposed, in principle, and subject to an assessment of transport and amenity

impacts as set out below, it is not necessary, in my view, to assess alternative locations for the proposal, such as the Monaghan Retail Park, which is suggested by the appellant as being a more suitable location for the development proposed.

7.3. Traffic and Transportation

- 7.3.1. The third party appellant has stated that the existing road is not suitable for the traffic that will be generated by the proposed development, and that the development will raise safety concerns both as a result of vehicles using the local road in the absence of a footpath, and as a result of additional vehicles turning right onto the local road from the N54.
- 7.3.2. Following a Further Information request in relation to *inter alia* the traffic impacts of the proposed development, the Planning Authority were satisfied in relation to same.
- 7.3.3. The applicant, in the Further Information Submission, sets out that the visibility from the site entrance is in line with standards, and demonstrates via swept path analysis that vehicles can safely access and exit the site. The Further Information submission included a Traffic and Transport Assessment which demonstrates that the 'N42/Kingspan Century Access Road/Site Access' Junction (which has a dedicated right-turning lane to allow vehicles to turn right onto the local road) has adequate capacity to deal with the potential traffic volumes generated by the development and will continue to operate within capacity for all years considered (opening year 2024, design years 2029 and 2039). Of note is that only 19 new trips daily are added to the road network (based on TRICS data), which is approximately 1.28% of all traffic through the junction. As such, it is unlikely that there will be build up of traffic on the right turning lane from the N54 to the local road as a result of this proposed development, as stated by the appellant, and I am satisfied that no material impacts on road safety will result from the additional vehicle numbers turning right from the N54 onto the local road.
- 7.3.4. In relation to the other road safety concerns raised by the appellant namely the lack of pedestrian footpaths on the existing road, I note that there is no formal pedestrian infrastructure in place, although there are informal grass verges along much of the local road between the N54 and the site. Given the minimal additional traffic volumes generated by the proposed development, and the nature of the vehicles utilising the site (car, vans or rigid lorries), I am not of the view that development would materially

increase the road safety risk for pedestrians, over and above that which already exists.

7.4. Impact on Residential Amenity

- 7.4.1. The appellant has raised concerns in relation to overlooking from the proposed facility, as well as more general amenity concerns including visual impacts and possible health and safety impacts.
- 7.4.2. In relation to potential loss of privacy, I am not of the view that any material loss of privacy will result. The proposed use involves a 2 storey building containing individual storage units, which is set back at least 60m from the nearest residential property. There is only one high level window on the first floor serving a stairwell. While users of the site will have views towards the appellants property, when parking their vehicles for example, there are views towards existing residential properties in any case from the public road. However, any overlooking that would occur from the site would not be considered overly intrusive, in my view.
- 7.4.3. In relation to the visual impact of this proposed development, and the development that is proposed for retention, as noted above the site is zoned for development and as such it is expected that some level of built form and associated hardstanding and landscaping would occur on the site, with an associated impact on visual amenity. In relation to this current appeal, the proposed storage unit is a maximum of 8.5m in height and set back at least 60m from the nearest property. I am not of the view that the visual impact of the building itself, nor of the associated landscaping or hard standing areas, would be unacceptable and would not be injurious to the visual amenity of the area, in my view.
- 7.4.4. In relation to any possible light pollution, should the Board be minded to grant permission, conditions should be imposed in relation to appropriate lighting for the site, ensuring it is directed away from any residential units.
- 7.4.5. In relation to possible noise pollution at operational stage, if the Board are minded to grant permission, I would recommend that the Board impose a condition limiting the operational hours of the proposed development to daytime hours only (i.e. 07:00 to 19:00 Monday to Friday, and 09:30 to 18:00 on Saturdays).

- 7.4.6. In relation to possible health and safety impacts arising from the construction, site safety is a matter outside the remit of this appeal, although I would not that the development would be required to adhere to any relevant legislation in this regard.

7.5. **Appropriate Assessment**

- 7.5.1. The nearest designated site is the Slieve Beagh SPA (Site Code 004167) c. 10km to the north-west of the site. I am of the opinion that taking into consideration the modest nature, extent and scope of the proposed development, the nature of the receiving environment, with no direct hydrological or ecological pathway to any European site, that 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.

8.0 **Recommendation**

- 8.1.1. I recommend that permission be GRANTED .

9.0 **Reasons and Considerations**

The proposed use is compatible with the zoning objective for the site and there will be no significant adverse impacts on the surrounding road network nor will the proposal result in a traffic hazard. Subject to conditions, there will be no material impact on surrounding residential amenity.

10.0 **Conditions**

1.	The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the Further Information submitted on the 22 nd Day of June 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
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	<p>development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the developer shall submit to the Planning Authority for agreement in writing, details of the following:</p> <p>(i) An external lighting plan/design for the site. Lighting shall be appropriately cowed and directed away from residential properties and roadways.</p> <p>(ii) A height restriction barrier for the site entrance, to facilitate access by cars, vans and rigid lorries only. The site shall not facilitate the access of HGVs or articulated trucks.</p> <p>Reason: In the interests of road safety and residential amenity.</p>
3.	<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>Reason: In the interests of road safety.</p>
4.	<p>No sights, flags, logos or other advertising material or illumination shall be erected or displayed on-site (or along the roadside) without prior permission from the Planning Authority.</p> <p>Reason: In the interests of road safety and residential amenity.</p>
5.	<p>External areas shall not be used for the storage of good, materials, containers, or the setting down of goods awaiting collection. In general, the site shall be maintained in a clean, tidy and nuisance-free state.</p> <p>Reason: In the interests of orderly development and visual amenity.</p>
6.	<p>Hours of construction of the proposed facility shall be between 0700 and 1800 Monday to Friday, 0800 and 1400 on a Saturday and not at all on Sundays or bank or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.</p>

	Reason: In order to safeguard the amenities of property in the vicinity.
7.	<p>Unless otherwise agreed in writing with the Planning Authority, operational hours shall be restricted to 07:00 to 19:00 Monday to Friday, and 09:30 to 18:00 on Saturdays. The facility shall be closed on Sundays, Bank Holidays and Public Holidays.</p> <p>Reason: In the interests of residential amenity.</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>Reason: 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. If a borehole is to be utilised, it shall serve as a drinking water supply only and the borehole shall be constructed in compliance with the EPA Drinking Water Advice Note No. 14: Borehole Construction and Wellhead Protection.</p> <p>Reason: To ensure adequate servicing of the development, and to prevent pollution.</p>
10.	<p>The proposed effluent treatment and disposal system shall be located, constructed, and maintained in accordance with the details submitted and in accordance with the pertaining EPA (Environmental Protection Agency) standards. No system other than the type proposed in the application shall be installed without the prior written agreement of the Planning Authority.</p> <p>(a) A maintenance contract for the effluent treatment and disposal system shall be entered into once same is installed and permanently maintained</p>

	<p>thereafter. Signed and dated copies of the contract, which shall be for a minimum period of 3 years, shall be submitted to, and agreed in writing with the Planning Authority within 2 months of the installation.</p> <p>(b) Surface water soakaways shall be located such that the drainage from the associated building and hardstanding areas of the site shall be diverted away from the location of the polishing filter.</p> <p>(c) Within 2 months of installation, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proposed effluent treatment and disposal system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the pertaining EPA standards.</p> <p>Reason: 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>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.</p>

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.

Rónán O'Connor
Planning Inspector

25th January 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	317805-23			
Proposed Development Summary	Retention of alterations to lands, demolition to structures and all associated site works.			
Development Address	Cornecassa Demesne, Monaghan, Co. Monaghan			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Yes	
		No		
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				
No	No		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)	Conclusion
No				
Yes	Yes	Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001. • Urban Development which would involve an area greater than 2 hectares in the case of a business district*, 10 hectares	Site is 0.69 Ha	Proceed to Q.4

		<p>in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.</p>		
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4. Has Schedule 7A information been submitted?		
No	No	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____