



An  
Bord  
Pleanála

## Inspector's Report

### ABP-320693-24

#### Development

Permission to erect a two-storey dwelling and attached sun room, treatment plant, percolation area, entrance and all associated site works.

#### Location

Mullantornan, Magheracloone, Co. Monaghan

#### Planning Authority

Monaghan County Council

#### Planning Authority Reg. Ref.

2460212

#### Applicant(s)

Niamh Martin

#### Type of Application

Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

David Burns

#### Observer(s)

None

#### Date of Site Inspection

25/11/24

**Inspector**

Kathryn Hosey

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## **1.0 Site Location and Description**

- 1.1. The appeal site has a stated area of 0.350ha and is located in an unzoned rural area at Mullantornan, Magheracloone, Co. Monaghan. The appeal site is located c. 2km to the north of Kingscourt urban centre and c.7km to the south-west of Carrickmacross urban centre.
- 1.2. The appeal site is accessed off a narrow single lane local road and slopes sharply to the rear where there is a field drain along the landholding boundary. The site is bounded by hedgerow to the north and east boundaries.
- 1.3. There is a ringfort located in the next field towards the west of the application site.
- 1.4. The landholding associated with this site is substantial in nature and also extends to the north of the public road where it rises in topography.
- 1.5. The lands are currently in use for agricultural purposes. The nearest dwellings are located c.190m to the north-west and c. 290m to the south-east of the appeal site.

## **2.0 Proposed Development**

- 2.1. The applicant is seeking permission to construct a two storey dwelling, wastewater treatment system, percolation area and new entrance.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Monaghan County Council issued notification of decision to grant permission by order dated 2<sup>nd</sup> of August 2024. The decision to grant permission for the proposed dwelling was subject to seven no. standard conditions.

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

#### **3.2.1. Planning Report**

Monaghan County Councils report had regard to the development plan policies for the area.

The following comments within the planning officers report are of note;

- Local needs does not apply within the site area
- Sightlines are achievable
- No flood risk at this location
- The proposed dwelling design and siting accords with Policy RHP 1 and table 15.4 of the Monaghan County Council Development Plan.

3.2.2. The Planning Officer recommended that permission be granted subject to 7 no. conditions.

3.2.3. Other Technical Reports

Environmental Health Officer: stated that they have no objections to the proposed wastewater treatment system and percolation area subject to recommended conditions.

3.3. **Prescribed Bodies**

- None

3.4. **Third Party Observations**

Two no. third party submissions were received from Fintan Burns and David Burns. The grounds of appeal can be summarised as follows:

- Proposed entrance located on a dangerous bend and hill.
- Impact on spring well. It was highlighted that there are inaccuracies within the documentation incorrectly stating there is a spring well 500m from the application site. The appellant states that there is a spring well located 100m from the proposed development.
- Flooding concerns.
- The road is a narrow single lane road in poor condition. Concerns have been raised regarding the impact of the proposed development on this road.

- The ground conditions are extremely wet and not suitable for percolation test.
- Impact on existing natural habitat
- The proposed site is not sufficient in size for the proposed development.
- The proposed dwelling would have an impact on the farming activities within the area.

#### 4.0 Planning History

None

Note: There is a concurrent appeal application submitted immediately to the east of this site on the same landholding, **ABP. Ref: 320691-24** – permission to construct a two storey dwelling and attached sun room, treatment plant, percolation area, new entrance and all associated site works.

#### 5.0 Policy Context

##### 5.1. National Planning Framework

The National Planning Framework is a high-level strategic plan which aims to guide development and investment to 2040.

*National Policy Objective 19:*

*“Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:*

- *In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;*
- *In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory*

*guidelines and plans, having regard to the viability of smaller towns and rural settlements.”*

## 5.2. Development Plan

The appeal site is governed by policies and objective outlined within the Monaghan County Development Plan 2019 – 2025.

The following policies and objectives are applicable;

### Chapter 2:

#### 2.6 Rural Settlement Strategy

*“RSO 1 To support a balanced approach to the development of rural areas to retain vibrancy, to accommodate within the rural area people who are functionally or socially part of the rural community, and to direct urban generated housing demand into established rural settlements.”*

#### 2.8 Rural Area Types

Two rural area types have been identified within the Monaghan County Development Plan as per the Sustainable Rural Housing Guidelines (2005). These rural area types have been identified as Category 1 – Rural Areas Under Strong Urban Influence and Category 2 – Remaining Rural Areas.

**Note:** The appeal site is located within Category 2.

##### 2.8.2 Category 2 – Remaining Rural Areas

This category refers to rural areas outside designated settlements and rural areas under strong urban influence. The aim is to facilitate rural housing to retain population and support the local economy whilst ensure proper planning and sustainable development.

*RSO 4 “To maintain population levels in the remaining rural areas by accommodating appropriate rural development and to consolidate the existing town and village structure.”*

***RSP 3** “To facilitate rural housing in the remaining rural areas subject to the relevant planning policies as set out in Development Management Chapter of the Monaghan County Development Plan 2019-2025.”*

## **Chapter 3:**

### **3.6.2 Rural Housing Policy**

***HSP 15** “To require all applications for rural housing to comply with the guidance set out in Development Management Chapter.”*

***HSP 16** To ensure that rural housing applications employ site specific design solutions to provide proposals that integrate into the landscape and that respect their location in terms of siting, design, materials, finishes and landscaping.”*

***HSP 17** To require that new houses in the rural areas ensure the protection of water quality in the arrangements for on-site waste water disposal, ensure provision of a safe means of access in relation to road and public safety and ensure the conservation of sensitive areas such as natural habitats, the environs of protected structures and other aspects of heritage.”*

***HSP 18** Apply a presumption against extensive urban generated rural development, ribbon development, unsustainable, speculative driven residential units in order to safeguard the potential for incremental growth of the towns and their potential beyond the plan period, to utilise existing physical and social infrastructure and to avoid demand for the uneconomic provision of new infrastructure.”*

## **Chapter 6: Heritage, Conservation & Landscape**

***HCLSO 1** “To promote and encourage the conservation and preservation of the County’s natural environment, cultural heritage and amenities in accordance with legislation, plans and policies developed to specifically address these areas and to ensure a rich cultural landscape, healthy environment and the full provision of ecosystems services in the county.”*



**HLP 23** *“To protect the County Sites of Biodiversity Importance as set out in Table 6.4 by ensuring that any new development does not detrimentally impact on the character, integrity, distinctiveness or scenic value of the area. Any development which could unduly impact upon such landscapes shall be resisted”.*

## **Chapter 15: Development Management Standards**

This chapter outlines the relevant planning standards and design criteria for proposed developments.

### **National Biodiversity Action Plan 2030-2030**

*“The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.”*

### **5.3. Natural Heritage Designations**

The following natural heritage designations are located in the general vicinity of the proposed development site;

- Lough Fea Demesne Proposed Natural Heritage Area (Site Code: 000560), approximately 6km to the north-west of the appeal site.

- Ballyhoe Lough Proposed Natural Heritage Area (Site Code: 001594), approximately 6.5km to the south-east of the appeal site.

#### **5.4. EIA Screening**

The proposed development is a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. Refer to Form 1 in Appendix 1 of report.

Having regard to the nature, scale and extent of the proposed development, site location, the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required in this instance.

#### **6.0 The Appeal**

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

A Third Party appeal has been submitted by David Burns. The main grounds of appeal can be summarised as follows:

- Concerns have been raised with respect to the proposed entrance to the west that opens out onto a bend and a dangerous hill.
- The appellant has raised concerns with regards to potential contamination of a spring well that supplies the appellants dwelling. It has been stated that the nearest spring well is within 100m of the proposed development and not 500m as stated within the submitted documentation.
- It has been stated that there is potential for flooding of the proposed entrance due to past flooding at this location.
- The appellant is concerned that the proposed development will further deteriorate the existing road which has been described as narrow, single lane and in extremely poor condition.

- It has been stated that the lands are extremely wet and not suitable for percolation test and drainage. Concerns regarding environmental impact at this location.
- Concerns have been raised that the proposed development would have a negative impact on farming due to complaints from home owners regarding farming practices in this rural farming area.
- The appellant has stated that the site is an environmental area of natural habitat to the rear which accommodates water hen, snipe bird and other wildlife.
- It has been stated that the proposed development is not for owners use but for speculative financial gain.

#### **6.2. Applicant Response**

- None

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

- None

#### **6.4. Observations**

- None

#### **6.5. Further Responses**

- None

## 7.0 **Assessment**

I have inspected the appeal site and examined all documentation on the file. I consider that the key planning issues relating to this assessment are those raised by the third party in their grounds of appeal submission to the board as follows;

- Rural Housing Policy
- Road Safety
- Wastewater Treatment
- Flooding
- Impact on biodiversity
- Design and Siting
- Archaeological Heritage

### 7.1. **Rural Housing Policy**

- 7.1.1. The appeal site is located in Category 2 – Remaining Rural Areas of the Monaghan County Development Plan 2019 - 2025 which aims to facilitate housing outside areas of strong urban influence in order to retain population in these areas and support and retain the local economy.
- 7.1.2. The appellant has raised concerns that the proposed development is speculative in nature. I have examined the documentation submitted and note that the applicant has stated within section 10 (legal interest of applicant in the land or structure) of the Planning Application Form Part A that they are the owners of the land.
- 7.1.3. Given the following;
- the appeal site is located within category 2 – remaining rural areas where housing is encouraged and a rural housing need does not apply,

- the applicants' legal interest in the lands

I am satisfied that the applicant complies with the rural housing policies of the Monaghan County Development Plan and the proposed development is not speculative in nature.

## **7.2. Road Safety**

- 7.2.1. The proposed development seeks to provide a new vehicular access to serve the proposed dwelling. I have examined the proposed entrance location and the nature and condition of the single lane access road at site inspection. I consider the local road in question to be a local class 3 road as per table 15.5 of the Monaghan County Development Plan 2019 – 2025.
- 7.2.2. The site layout plan submitted illustrates that 50m of sightlines in both directions at a setback of 2.4m is achievable. Proposals are also sought to trim hedgerow to a height of 1m above road level. All works required to achieve adequate sightlines as per table 15.5 are located within the same landholding.
- 7.2.3. The appellant contends that the proposed entrance opens onto a bend and a dangerous hill. Having examined the submitted site layout plan and carried out a site inspection I note that the visibility lines from the proposed entrance are far in excess of any bend and crest in the road. I am therefore satisfied that sightlines are not obstructed in this instance.
- 7.2.4. I am satisfied that adequate sightlines are achievable at the proposed entrance.
- 7.2.5. I am also satisfied that an additional dwelling at this location where there is a low level of traffic would not lead to an unacceptable level of road deterioration.

**Table 15.5 Minimum visibility standards for new or intensification of an existing Access onto Non-Urban Roads**

Road Category	Design Speed (Km/hr)	Y distance (m)	X Setback distance (m)	Eye Height/Object height (m)
National	100	215	3.0	1.05
Regional (upgraded)*	85	160	3.0	1.05
Regional (not upgraded)	70	120	2.4	1.05
Local Class 1	60	90	2.4	1.05
Local Class 2	50	70	2.4	1.05
Local Class 3	42	50	2.4	1.05
Cul-de-sac	42	35	2.4	1.05

\*Upgraded to TII standards – There are no upgraded Regional Roads in County at present

7.2.6. I therefore concur with the Planning Authority's acceptance of the proposed entrance in this instance.

### 7.3. Wastewater Treatment

7.3.1. The applicant is proposing to install a wastewater treatment system and percolation area. A site characterisation form and site layout plan has been submitted detailing the wastewater treatment proposal.

7.3.2. The EPA Code of Practice for Domestic Wastewater Treatment System Systems (2021), is applicable in the assessment of the proposed wastewater treatment system and percolation area.

7.3.3. Having examined the submitted site characterisation form the following points are of note:

- Aquifer Category is Poor (PI)
- The Groundwater vulnerability for this area is identified as 'High'
- The Groundwater Protection Response has been identified as R1. The EPA code of practice Appendix E notes that R1 is "Acceptable subject to normal

good practice ( i.e system selection, construction, operation, and maintenance in accordance with the CoP)".

- 7.3.4. The subsurface percolation test 't' value obtained was '15.28'. The surface percolation test 'p' value obtained was '15.14'. This indicates that the soils are imminently suitable for a wastewater treatment system.
- 7.3.5. The Planning Authority was satisfied that the proposed wastewater treatment system and percolation area could be accommodated on the site.
- 7.3.6. All required separation distances as outlined under section 6.3 and table 6.2 of the EPA code of practice are required to be adhered to including to any spring wells within the vicinity. The appellant has raised concerns regarding the proximity of their well which has been stated to be 100m from the appeal site. I also note given the location of the nearest dwellings to the appeal site and the sharp slope to the rear (south) that any groundwater flow will not be in the direction of any known wells
- 7.3.7. Table 6.2 of the Code of Practice sets out the required separation distances from wells. I am satisfied that the cited 100m from the appeal site is far in excess of the separation requirement outlined within the EPA Code of Practice. I am therefore satisfied that the proposed development will not impact on any spring wells within the vicinity of the appeal site.

Table 6.2 Minimum separation distances from the entire DWWTS

Features			DWWTS – periphery of tank/plant and infiltration/ treatment area (m)
Public/group water supply abstraction points/wells			60
Down-gradient domestic well	3 ≤ PV ≤ 10 (usually SAND- or GRAVEL- dominated material)	Depth of soil/subsoil > 2.0 m between invert level and bedrock, and water table 1.2–2.0 m	60
		Depth of soil/subsoil 2.0– 8.0 m between invert level and bedrock, and water table > 2.0 m	40
		Depth of soil/subsoil > 8.0 m between invert level and bedrock, and water table > 2.0 m	30
	10 < PV ≤ 30 (usually SILT- or SAND- or silty GRAVEL- dominated material)	Depth of soil/subsoil 1.2– 8.0 m between invert level and bedrock	45
		Depth of soil/subsoil > 8.0 m between invert level and bedrock	30
	30 < PV ≤ 120 (usually SILT/ CLAY- or CLAY- dominated material)	Depth of soil/subsoil 1.2– 3.0 m between invert level and bedrock	40
		Depth of soil/subsoil ≥ 3.0 m between invert level and bedrock	30
	Alongside domestic well		
Up-gradient domestic well			15

7.3.8. The ground conditions observed at site inspection was dry with no evidence of ponding. The vegetation detail was generally in line with that noted within the site characterisation form that being, mainly grass, some nettle, thistle and sparse rushes. I would not characterise the site as being a ‘wet field’ in my professional experience as the vegetation is not consistent with what would be expected from a waterlogged site i.e significant patches of rushes.

7.3.9. Following examination of the submitted site characterisation form, the standards outlined within the EPA Code of Practice and the site inspection undertaken, I am satisfied that the proposed wastewater treatment system and percolation area can be accommodated at this location.

7.3.10. Cumulative Impact



As there is a concurrent appeal application (**ABP. Ref: 320691-24**) located immediately to the south-east I have considered the potential for cumulative impact at this location. I have considered the nature of the proposed developments and the separation distance from any nearby sensitive receptors i.e field drain and spring wells. I am satisfied that there would be no cumulative impact as a result of the proposed developments subject to compliance with the standards outlined within the EPA Code of Practice.

#### **7.4. Flooding**

7.4.1. The appeal site is not located within a designated flood risk area as per the OPW flood maps.

7.4.2. The appellant has however raised concerns with regards flash flooding at the proposed entrance to the site. I do note the concerns of the appellant in terms of overland surface water flow given the higher gradient of the lands to the north of the appeal site opposite the public road. The ground levels as indicated on the submitted site layout plan are as follows;

- c. 87.94 at proposed dwelling location
- c.91 at proposed entrance
- c.90.38 at road level

The ground levels continue to rise further north opposite the public road.

7.4.3. Any surface water flow would be in the direction of the field drain located down gradient of the appeal site to the rear (south).

7.4.4. The appeal site is dry in nature and lacks saturation.

7.4.5. I also note that the higher gradient lands located to the north are within the applicants' landholding. In my opinion I consider it unlikely in the event of a history of flashing flooding at the proposed entrance that the applicant would site their proposed dwelling within a high-risk flood area.

7.4.6. I do not consider that there is a high risk of flooding at the proposed entrance due to the gradient of the lands and the soil characteristics at this location.

#### **7.5. Impact on Biodiversity**

- 7.5.1. The appellant has stated that there are natural habitats located to the rear of the appeal site that accommodates various wildlife. I have examined the NPWS protected sites map and the Monaghan County Development Plan biodiversity sites. The appeal site is not located within any designated or identified sites as per the above documentation.
- 7.5.2. I do note that there is a field drain located along the landholding boundary to the west of the appeal site and the potential for impact on any existing habitats and wildlife species. Having considered the nature of the proposed development, the distance of the proposed works from this field drain, compliance with the EPA Code of Practice, I am satisfied that no works are proposed to the field drain that may cause harm or detrimental disturbance to wildlife.

#### **7.6. Design and Siting**

- 7.6.1. The applicant is seeking permission to construct a traditional style two storey dwelling with double height projection feature. The proposed dwelling is to be sited at a setback of 19m from the centre line of the adjoining local road.
- 7.6.2. The proposed dwelling is to measure 8.5m in height with a floor area of 204sq.m and comprise 4 no. bedrooms.
- 7.6.3. I consider that the proposed dwelling siting and design is generally compliant with section 15.4 Design Guidelines for Rural Housing of the Monaghan County Development Plan 2019 - 2025 and will not have a detrimental visual impact at this location.

### **8.0 Archaeological Heritage**

- 8.1.1. There is a ringfort located to the west outside the appeal site in the next field. The ringfort is located a significant distance c.98m from the appeal site.

This planning application was referred to the Dept., of Housing, Local Government and Heritage for comment. The planners report noted no comments were received.

- 8.1.2. I am satisfied given the significant distance of the appeal site to the ringfort that no detrimental archaeological impact would arise during construction or occupation stage.

## 9.0 AA Screening

Having regard to the nature and scale of the proposed development there is no real likelihood of significant effects either individually or in combination with any other plans or projects, on any Nature 2000 site. Therefore, I conclude that no appropriate assessment issues arise.

## 10.0 Recommendation

I recommend that permission be granted subject to conditions as outlined below.

## 11.0 Reasons and Considerations

Having regard to;

- The location of the application site in Category 2: remaining rural areas not within an area under strong urban influence as outlined within the Monaghan County Development Plan 2019 – 2025.
- The provisions of the Monaghan Development Plan policy HSP 16 which outlines *“To ensure that rural housing applications employ site specific design solutions to provide proposals that integrate into the landscape and that respect their location in terms of siting, design, materials, finishes and landscaping.”*
- The provisions of the Monaghan Development Plan Policy HSP 17 *“To require that new houses in the rural areas ensure the protection of water quality in the arrangements for on-site waste-water disposal, ensure provision of a safe means of access in relation to road and public safety and ensure the conservation of sensitive areas such as natural habitats, the environs of protected structures and other aspects of heritage”.*

It is considered that subject to compliance with the conditions outlined below the proposed development would not seriously injure the residential or visual amenities of the area or property within the vicinity. The proposed development

is considered to be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, received by the Planning Authority on the 13<sup>th</sup> day of June 2024, 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.

(a) The roof colour of the proposed house shall be blue-black, dark brown or dark-grey. The colour of the ridge tile shall be the same colour of the roof.

(b) The external walls shall be finished in neutral colours such as grey or off-white.

**Reason:** In the interest visual amenity

3.

(a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** In the interest of traffic safety and to prevent flooding or pollution

4. The vehicular access, including visibility splays, shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.

**Reason:** In the interests of traffic and road safety

5. The existing front boundary hedge shall be retained except to that extent that its removal/trimming is necessary to provide for the entrance to the site.

**Reason:** In the interest of visual amenity

6. (a) The wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on '13/06/24' and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.

(b) Treated effluent from the wastewater treatment system shall be discharged to a percolation area which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent  $\leq 10$ )" – Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the

planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than [1:500] showing –
  - (i) Existing trees and hedgerows specifying which are proposed for retention as features of the site landscaping
  - (ii) The measures to be put in place for the protection of these landscape features during the construction period
  - (iii) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species]
- (b) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

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.

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Kathryn Hosey  
Planning Inspector

3<sup>rd</sup> December 2024

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	320691-24		
<b>Proposed Development</b> <b>Summary</b>	To construct a two storey dwelling, wastewater treatment system and percolation area. Construction of new entrance.		
<b>Development Address</b>	Mullantornan, Magheracloone, 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>	Tick if relevant and proceed to Q2.
		<b>No</b>	Tick if relevant. No further action required
<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)?</b>			
<b>Yes</b>	Tick/or leave blank	State the Class here.	Proceed to Q3.
<b>No</b>	Tick or leave blank	<b>x</b>	Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			



<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>	Tick/or leave blank		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	Tick/or leave blank	State the relevant threshold here for the Class of development and indicate the size of the development relative to the threshold.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	Tick/or leave blank	<b>Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>	Tick/or leave blank	<b>Screening Determination required</b>

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