



An  
Bord  
Pleanála

## Inspector's Report

**ABP 321303-24**

<b>Development</b>	Retention of partially constructed agricultural entrance and permission to complete entrance and all associated site works.
<b>Location</b>	Doohatty and Derrylavan, Carrickmacross, Co. Monaghan.
<b>Planning Authority</b>	Monaghan County Council
<b>Planning Authority Reg. Ref.</b>	2460332
<b>Applicant(s)</b>	Seamus Murray
<b>Type of Application</b>	Retention and Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Seamus Murray
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> January 2025
<b>Inspector</b>	Rosemarie McLaughlin

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## Appendix 1 – Form 1: EIA Pre-Screening

## 1.0 Site Location and Description

- 1.1. The appeal site consists of an area of land c 0.29 ha, broadly linear in shape along the Regional Road R179 (Carrickmacross to Kingscourt) c 2.3 km southwest of Carrickmacross town. The application details also include a map of lands leased and owned by the applicant.
- 1.2. The general area is rural in character with agricultural lands and mature woodlands on both sides of the regional road. The entrance to a large factory, Ex Cel Plastics is located c 200 m northeast of the appeal site entrance to be retained, on the north side of the regional road. The site is c 70 m north of Lough Fea. A waste processing facility is located c 1km southwest of the appeal site located on the northern side of the R179.
- 1.3. Sforza Lodge, a protected structure RPS ref. 41403104 and included on the NIAH Reg. 41403130 is located to the rear of the southwestern corner of the appeal site and is one of a number of gate lodges to the Lough Fee estate. A rubble stone wall bounds Sforza Lodge on a southern section of the R179 and is separately included on the NIAH Reg. No 41403150. A section of the wall is located within the appeal site red line. The majority of the remaining boundary of the appeal site fronting the south side of the R179 contains mature planting with the exception of the area to be retained where large double gates and fencing have been erected. Trees and hedgerows have been removed to facilitate the development to be retained. A bridge also bounds the regional road within the appeal site where a watercourse flows into Lough Fea.
- 1.4. On the opposite side of the road of the appeal site is a lane north of the R179, located at a right angle to the regional road. The laneway to the north is not directly opposite the proposed relocated gates but is staggered to the southwest. The lane follows the northeastern boundary of a mature woodland. The laneway area around the junction of the R179 to the north appears to have been cut back recently. Double gates and fencing fronting the laneway provide a separate access to the woodland area. A path through the mixed woodland connects to land owned by the applicant to the west of the woodland.
- 1.5. The regional road in the vicinity of the appeal site has a continuous white line and slopes upwards towards the entrance to be retained when approaching from the

northeast (Carrickmacross) direction. From the entrance to retained to the southwest (Kingscourt), the road gently curves. A traffic sign, warning of no overtaking, is located at the entrance to be retained which also indicates an upcoming T junction. On inspection in poor weather conditions, the road was busy with light and heavy vehicles. Road works were taking place near the entrance to the Ex Cel factory to the northeast.

## **2.0 Proposed Development**

- 2.1. This is an application for retention of a partially constructed agricultural entrance onto public road (R179) together with permission to (a) Complete same entrance with alterations and amendments. (b) complete all ancillary site works and associated site structures.
- 2.2. The entrance area adjacent to the roadside is sought to be retained. The gates erected are proposed to be relocated slightly northeast and the existing fencing sections to be amended accordingly. Surface water is proposed to be piped to the watercourse on the site that flows into Lough Fea.
- 2.3. It may be noted the application site's red line boundary extends to the north side of the R179. Consent has been provided by the owner of the lands to remove/trim the hedge/vegetation for 94.8 m on the north side of the road and two sections of 61.8 m and 116.7 m on the south side of the road.
- 2.4. The appeal submission proposes additional development to include a precast effluent collection tank (15.9 cubic meters). The appeal also proposes to install traverse surface water pipes across the existing farm roadway discharging to infiltration trenches to the Department of Agriculture specification and to construct a raised concrete kerb over the full width of the farmyard.

## **3.0 Planning Authority Decision**

- 3.1. **Decision**
- 3.2. Monaghan County Council by order dated 25/10/2024 decided to REFUSE permission for 2 reasons.

1. Policy AGP 1a of the Monaghan County Development Plan 2019-2025 permits agricultural development where it is demonstrated that it is necessary for the efficient use of the holding/farm. Policy NNRP 3 of the Monaghan County Development Plan 2019-2025 seeks to ensure that the traffic carrying capacity and the strategic nature of the road network in County Monaghan is not adversely affected. Policy AGP 1h of the Monaghan County Development Plan 2019-2025 permits agricultural development where it is demonstrated that the proposal will not result in a traffic hazard. As per the information submitted, it is the opinion of the Planning Authority that the development of an agricultural entrance, to facilitate dairy cattle crossing the R179 Regional Road that links the towns of Carrickmacross and Kingscourt (in County Cavan), has not been acceptably justified, would unduly disturb the carrying capacity of the regional road, and would result in a traffic hazard.

Accordingly, if permitted as proposed, the development would endanger public safety by reason of traffic hazard, be contrary to the Monaghan County Development Plan 2019-2025, and be contrary to the proper planning and sustainable development of the area.

2. Policy AGP 1f of the Monaghan County Development Plan 2019-2025 permits agricultural development where it is demonstrated that the proposal will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water. During an Environment Section site inspection, it was observed that there was direct discharge of slurry/soiled waters from the entrance laneway entering the adjacent watercourse.

Accordingly, the development would, if permitted as proposed, be prejudicial to the water environment, be contrary to the Monaghan County Development Plan 2019-2025, and be contrary to the proper planning and sustainable development of the area.

### **3.3. Planning Authority Reports**

#### **3.3.1. Planning Report (15/10/24)**

- The planning report refers to enforcement action. No objections were received. The relevant policies of the development plan are outlined. The

nature and extent of the applicants dairy farm is unconfirmed. 120 m sight distances would be achievable. The environment section noted that slurry /spoiled water from the laneway is entering the adjacent water course. It is considered on balance the development at an agricultural entrance to facilitate dairy cattle crossing has not been acceptably justified, would unduly disturb the carrying capacity of the regional road and would result in a traffic hazard. Permission is recommended to be refused for the two reasons outlined in section 3.2 above.

### 3.3.2. Other Technical Reports

- **Roads section (8/10/24).** The road section has no comment relating to TTAs, RSAs or similar information. It is noted that there is a proposal in the drawing to remove an advanced warning signage that should not be permitted.
- **Environment Section (16/10/24).** The site is located within the Glyde\_SC\_030 river sub basin. The site drainage plan states that any surface water will be piped to the existing watercourse. During a site inspection it was observed that there was direct discharge of slurry/soiled waters from the laneway entering the adjacent watercourse. The European Union (Good Agricultural Practice for the Protection of Waters) Regulations 2022 is referred to. It is recommended that the additional information is requested, 1. Application Form – Part B (Supplementary Application Form for Agricultural Development). 2. Submit a revised site layout plan and details of remedial measures that will be carried out to ensure that there is no direct run off of soiled water/slurry into waters.
- **Engineer's Report (30/09/2024).** No objection subject to conditions which in summary relate to the following
  - The existing entrance must form a bell mouth of four metres.
  - Sight distance of 120 m in both directions to be provided from a point in the entrance 2.4 m from the road edge and 1.05 m above ground level. Where-necessary, remove hedges/trees to achieve this safe distance.
  - The line of any new fence/wall to be positioned behind the visibility splays.
  - No surface water to be allowed flow onto the public roadway.

- Applicant to install drain/gullies at entrance.
- Existing road sign may be repositioned. Proposed cattle crossing sign to be positioned within the red line boundary.

### 3.4. Prescribed Bodies

- **Inland Fisheries Ireland (IFI). (02/10/2024).** IFI recommend on-site surface water should be treated in a sustainable manner, mitigation measures should be implemented to prevent discharge of deleterious matter. IFI should be consulted in advance regarding any works beside the watercourse. All work should be carried out in accordance with IFI guidance 2016. The site is close to the inflow to Loch Fea which contains valuable fisheries habitat and supports stocks of salmon, trout and European eel, among other species. The water framework directive ecological status of the water body at this location GLYDE\_030 is good.

### 3.5. Third Party Observations

None.

## 4.0 Planning History

There is no relevant planning history on the appeal site or in the vicinity.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Monaghan County Development Plan 2019-2025 (CDP) which came into effect on the 1<sup>st</sup> of April 2019 applies. A draft Monaghan County Development Plan 2025-2031 is being prepared, and stage 1 is complete.
- 5.1.2. Map 2.1 indicates the appeal site is located in a rural area, along a regional route.
- 5.1.3. **Area of Secondary Amenity:** Lough Fea is designated as an Area of Secondary Amenity, Ref SA17 in Table 6.6 and map 6.1 (development constraints). **Policy SAP**

1 applies, *To limit development in Areas of Secondary Amenity Value and to only permit compatible amenity developments where they do not unduly impact on visual amenity.* Secondary Amenity Areas require protection from inappropriate and insensitive development. These areas are generally associated with river valleys, uplands, woodlands and lakes and provide an important community, recreational and tourism resource. It is an objective to manage development in these areas to ensure that the scenic value is maintained and ensure any development proposals are sensitively designed and compatible with the overall landscape character of the area.

- 5.1.4. **Section 6.19 Historic Houses and Designed Landscapes:** Lough Fea Estate, Carrickmacross on the list of the Historic Houses/Demesnes in the CDP. Designed Landscapes where Policy DLP 1 *To ensure that any new development will not adversely affect the site, setting or views to and from historic houses, gardens and designed landscapes* and Policy DLP 2 *To require that any proposals for new development in the vicinity of historic houses or demesnes landscapes are accompanied by an evaluation of the impact of the development on the landscape, designed views and vistas to /from such a site.* ‘
- 5.1.5. **Areas of natural vegetation:** Map 8.3 includes the appeal site as an area of mixed forest. It may be noted that the scale of the map is small and includes the area surrounding Lough Fea incorporating an area to the north of the lake and the section of woodland opposite the appeal site on the north side of the regional road
- 5.1.6. **Non-national routes:** Policy NNRP 3 *To ensure that the traffic carrying capacity and the strategic nature of the County’s road network is not adversely affected.*
- 5.1.7. **Agricultural Development:** Policy AGP 1 To permit development on new and established agricultural or forestry holdings where it is demonstrated that; It is necessary for the efficient use of the agricultural holding or enterprise, and a listed suite of criteria. Of relevance is
- a) The appearance, character and scale are appropriate to its location,
  - b) The proposal visually integrates into the local landscape and additional landscaping is provided where necessary,
  - c) The proposal will not have an adverse impact on the natural or built heritage,



d) The proposal will not result in a detrimental impact on the amenity of residential dwellings outside of the holding .....

e) The proposal will not result in a pollution threat to sources of potable water, water courses, aquifers or ground water,

f) Proper provision for disposal of liquid and solid waste is provided.

g) The proposal will not result in a traffic hazard

5.2. **Rural Accesses: Policy RCP 3** To require that access to new developments in the countryside are positioned to minimise loss of hedgerow/tree, where possible follow alongside existing boundaries/hedgerows, follow the natural contours of the site and use existing lanes where practical.

5.3. **Additional Natural Heritage Areas (pNHAs):** Section 6.6.2 refers to 40 additional pNHAs in County Monaghan as set out in Table 6.3. These are not statutory areas, but these sites are protected under the CDP. Ref 000560, Lough Fea Demesne, is included in table 6.3, described as *Small fields of calcareous grassland which are extremely rich in varieties and numbers of orchids. Bordering the grassland is a large mixed woodland yielding several interesting species. A number of interesting Turloughs are also found within the demesne.*

#### 5.4. **Natural Heritage Designations**

5.4.1. Killyconny Bog (Cloghbally) SAC Site Code 000006 is c 23 km south west of the appeal site.

5.5. Dundalk Bay SAC Site Code 000455 and Dundalk Bay SPA Site Code 004206 are c 26 km east of the appeal site.

5.6. Lough Fea Demesne pNHA: 000560 is c 1.2 m west of the appeal site.

#### 5.7. **EIA Screening**

5.8. The proposed development is not 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. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report.

## **6.0 The Appeal**

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

#### **Reason for refusal No.1**

- The proposal will not result in a traffic hazard because 120 m sight lines will be in place in both directions from a point in the entrance 2.4 m from the road edge and 1.05 m above ground level where the existing entrance meets the R179. Legal consent has been secured to remove vegetation/ hedging as necessary.
- The entrance will form a bell mouth of 4 m radius and the entrance gates will only open inwards. The entrance layby is of sufficient length 16.6 metres and depth 5 metres to contain a stationary vehicle off the public road.
- Drainage gullies are proposed along the entrance frontage and constructed in a manner to prevent water from flowing onto the public road. The gullies will be piped to the adjacent watercourse.
- Cattle warning signage is proposed to be erected at the locations shown on the submitted site layout plan in accordance with the Department of Transport issued traffic signs manual.
- The municipal district engineer had no objection subject to certain conditions.
- No mention of the carrying capacity of the road was contained within the report. Policy NNRP3 of the CDP will be complied with as this development will ensure that the traffic carrying capacity will not be adversely affected.
- The applicant currently milks 240 cows over a land area of 70.23 ha. Due to changes in the nitrates derogation policy, stocking density adjustments and compliance measures, the applicant has secured additional lands under a lease accessed via the entrance subject to this appeal. Cows are moved across the existing road via an existing access farm roadway to the leased lands to graze between milkings. The applicants milking parlour is located further to the northwest in an existing farmyard.

- The additional lands have reduced significantly the nitrogen loading per ha complying with the EU regulations not to exceed 220 kg per ha of organic nitrate. The arrangement will assist in sustaining the viability of the dairy operation. By not accessing these lands, the applicant will be forced to reduce the numbers, scale back the farm business and reduce the number of staff by two labour units.
- Details that 22 weeks storage capacity for slurry, farmyard manure and soiled waters generated on the holding can be provided and disposed of in accordance with legislative requirements are provided in the format of a full fertiliser plan uploaded to the Department of Agriculture website.

### **Reason for refusal No. 2**

- The proposed development will not result in a pollution threat to the adjacent watercourse. In relation to the environmental report of the PA, additional measures are proposed. These include the installation of traverse surface water pipes across the existing farm roadway discharging to infiltration trenches, an upgrade of the farm roadway, construction of a kerb over the full width of the farm roadway to prevent runoff and the installation of a precast concrete effluent collection tank to cater for storage of any excess soil water or effluent.
- It is respectfully requested that permission be granted. Several enclosures are included with the appeal.

### **6.2. Planning Authority Response**

- None on file.

### **6.3. Observations**

- None.

### **6.4. Further Responses**

- None.

## **7.0 Assessment**

7.1. Having examined the application details, appeal and all other documentation on file, I will assess the application de novo. The main issues in this appeal are as follows:

- Principle of Development
- Traffic hazard
- Surface water
- Protected Structure and Visual Impact - NEW ISSUES

### **7.2. Principle of Development**

7.2.1. A landholding outlined map was submitted with the application. The applicant owns lands to the northwest of the R179 (blue outline) and has leased lands from the owner of Loch Fea House (green outline), including a large land area to the south side of the regional road consisting of agricultural land and woodland, and a woodland area on the north side of the road abutting land in his ownership. The main element of this application is to retain a new access onto the south side of the R179 which will allow the applicant to move cattle from the leased land on the south of the R179 across the road via leased land on the north to connect to his landholding. The purpose of the access as set out in the application and appeal is to reduce the nitrate loading from his herd of cattle to comply with EU and national standards.

7.2.2. Policy AGP 1 in summary, permits development where it is necessary for the efficient use of the agricultural holding and is subject to a suite of criteria. I consider that the applicant has made a case that the proposed development improves the efficiency of his farm, and this has not been disputed by the PA. I consider that the principle of a new access to improve efficiency is therefore acceptable, but this is subject to compliance with the list of criteria in Policy AGP 1, Policy NNRP 3, to ensure that the traffic carrying capacity and the strategic nature of the County's Road network is not adversely affected and other relevant policies in the CDP.

### **7.3. Traffic hazard**

7.3.1. The first reason for refusal and response in the appeal are summarised above. The appellant submits sight lines can be achieved, the engineering sections of the Council have no objection, engineering conditions can be met, there was an

omission in not addressing the carrying capacity of the road and the development would not cause a traffic hazard.

- 7.3.2. This appeal is confined to an assessment of the new access and ancillary development on the south side of the road on a limited site area of 0.29 ha., but I also highlight to the Board the context of the access on the northern side of the road which connects to land in the ownership of the applicant as detailed in section 1 of this report. As the appellant has stated that the cows are to move across the regional road via a farm access to the north, I do not consider that this is a new issue.
- 7.3.3. At issue is Policy AGP 1 criteria (g) where to permit development, it must be demonstrated that the proposal will not result in a traffic hazard. The appellant is correct that the carrying capacity of the road was not addressed in the PA reports and I note it was not addressed in the application or detailed in the appeal. The applicant demonstrates that sight lines can be achieved in both directions from the south side of the regional road by the removal and reduction of mature trees and hedgerow, and this has been carried out around the entrance to be retained. I consider the speed of vehicles, the vertical alignment of the road and the context of the receiving environment on the north side of the road are also relevant. I also note the appeal states the farming operation involves milking 240 cows (and has replacement heifers and young stock) where cows will move across the road between milkings.
- 7.3.4. The R179 is a regional road, with a speed limit of 80 km per hour. The section of the R179 at the appeal site links Carrickmacross to Kingscourt in Co. Cavan and a large factory is located close to the appeal site and a waste processing plant is c 1km southwest. Associated with the Ex Cel factory is a large car park for staff as well as commercial vehicles. The regional road is straight to the northeast of the proposed access and gently curves and undulates to the southwest. No traffic survey was submitted, and I noted on inspection, that the volume of traffic was busy with heavy and light vehicles. Despite the poor weather conditions and road works in the vicinity of the factory, I observed vehicles were travelling at speed, and caution was necessary to walk along the roadsides in the vicinity of the access to be retained. Around the lane to the north where cattle will cross over, there is reduced visibility from the north side of the road to the southwest. Permission has been given to reduce planting on the north side of the road. The splayed area on the northside lane

is not as large as the area to be retained on the south side where a vehicle can pull in.

7.3.5. The proposed development includes the relocation of the gates erected c 1.6m towards the northeast where they will be less centrally located within the entrance area to be retained. The layout results in a slightly staggered cattle crossing. The access and lane on the north side of the road are not part of the application but the location and size of the splayed northern lane access area is relevant in the context of the current application, and I consider that that area is limited in terms of location and size for the number of cattle crossing. No details are provided, but it is reasonable to assume during milking season, cattle can be milked twice a day.

7.3.6. Having regard to the factors set out above, and my inspection and observation of the site, I would have serious concerns about a substantial operation as proposed involving many cattle crossing over and back the regional road on the grounds of traffic safety. Accordingly, I concur with the view of the PA that permission should be refused.

#### **7.4. Surface water**

The environment section of the Council observed soiled waters on the site entering the watercourse. I did not observe any soiled surface water on inspection. The applicant has proposed in the appeal to comply with all the conditions of the engineering section and also has proposed, a precast effluent collection tank (15.9 cubic meters), traverse surface water pipes across the existing farm roadway discharging to infiltration trenches and to construct raised concrete kerb over the full width of the farmyard. Details have not been provided about the holding time of the cattle in the area at the entrance to be retained but I assume it would be a short period. I consider that as the cattle would be passing through the entrance to the agricultural lands to the southeast or proceeding to the applicant lands on the northwest side of the regional road, that the surface water proposals in the appeal would be sufficient and could be dealt with by way of condition and matters to be agreed in writing with the PA.

## **7.5. Protected structure and Visual Impact - NEW ISSUES**

- 7.5.1. As this application is considered de novo, I will also consider the issues of protected structure/visual impact which is not addressed in the appeal, and as such may be considered new issues.
- 7.5.2. The application red line includes a small section of the stone wall of a gate lodge of the Loch Fea estate, a protected structure as detailed in section 1 of this report. The stone wall is included separately in the NIAH register in addition to the gate lodge. I consider that the stone wall forms part of the curtilage of the protected structure. Trees are located behind the wall. The applicant has included details with the application of the right to remove/trim the hedge/vegetation for a line of 61.8 m from the access to be retained as far as the out-building associated with the gate lodge to provide a 120 m sight line. No works are proposed to the stone wall in the application. I consider the proposed development would not have a significant negative impact on the protected structure or curtilage.
- 7.5.3. The site is located in an Area of Secondary Amenity. It is an objective to manage development in Areas of Secondary Amenity to ensure that the scenic value is maintained and to ensure any development proposals are sensitively designed and compatible with the overall landscape character of the area. The site plan illustrates the sight line on the southern side of the regional road towards to the northeast as significantly impacting the trees/hedges (to be reduced to allow an object height of between 1.05m and 2.0m from road level) in addition to the c 22 m of roadside planting that has been removed. No Arboricultural assessment has been provided or plan for setback replacement or additional trees. The planted boundary along the R179 is an integral part of the Area of Secondary Amenity.
- 7.5.4. The appeal site also forms part of a Designed Landscape as it is within Lough Fea estate which is included in the list of historic houses/demesnes in section 6.19 of the CDP. Policy DLP 2 requires that any proposals for new development in the vicinity of historic houses or demesnes landscapes are accompanied by an evaluation of the impact of the development on the landscape, designed views and vistas to /from such a site. The removal and/or reduction of a significant length of planted boundary has not been addressed in the application and I am of the opinion that the

development as proposed would have a negative impact on the Area of Secondary Amenity and historic landscape associated with the Lough Fea estate.

- 7.5.5. Other criteria in Policy APG 1 also apply in a visual assessment and are interrelated to these issues, *b) The proposal visually integrates into the local landscape and additional landscaping is provided where necessary, c) The proposal will not have an adverse impact on the natural or built heritage.* As above, Lough Fea is part of the natural heritage in its designation as an Area of Secondary Amenity and I consider the local landscape that of the Lough Fea estate.
- 7.5.6. The Board may wish to circulate the visual impact issue but given the substantive reason for refusal, I am of the opinion that a note on this matter would be suitable to add to the decision for information purposes. If a note is included, I would also recommend reference to the Protected Structure.

## 8.0 AA screening

- 8.1. I have considered the proposed retention of partially constructed agricultural entrance and permission to complete entrance, and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located in a rural area c 2.3 km southwest of Carrickmacross, County Monaghan. Killyconny Bog (Cloghbally) SAC Site Code 000006 is c 23 km southwest of the subject site. Dundalk Bay SAC Site Code 000455 and Dundalk Bay SPA Site Code 004206 are c 26 km east of the subject site.
- 8.3. The proposed development comprises retention of partially constructed agricultural entrance and permission to complete entrance and all associated site works.
- 8.4. No nature conservation concerns were raised in the planning appeal.
- 8.5. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:
- Nature of works, that is the small scale and nature of the development.
  - Location-distance from nearest European site and lack of connections.



- 8.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Recommendation

- 9.1. I recommend that permission be **refused** for the reasons and considerations outlined below.

## 10.0 Reasons and Considerations

1. Policy AGP 1 of the Monaghan County Development Plan 2019-2025 is to permit development on new and established agricultural holdings where it is demonstrated that it is necessary for the efficient use of the agricultural holding and inter alia, the proposal will not result in a traffic hazard. Policy NNRP 3 seeks to ensure that the traffic carrying capacity and the strategic nature of the road network in County Monaghan is not adversely affected. Having regard to the location of the proposed retention and permission for a new agricultural access and ancillary works to facilitate a large number of cattle crossing between lands on opposite sides of the regional road R179, the Board is not satisfied, on the basis of the submissions made in connection with the application and appeal, that the proposed staggered crossing, the receiving environment on the northern side of the regional road, the applicable speed limit of 80 km per hour and the proximity to an established factory would not cause a traffic hazard at this location, irrespective of 120 meter sight lines being achieved by removing and reducing trees and hedgerows. It is also considered that the development would adversely impact the traffic carrying capacity and the strategic nature of the road network in County Monaghan. Accordingly, it is considered, the development would endanger public safety by reason of traffic hazard or obstruction of road users, would be contrary to the Monaghan County Development Plan 2019-2025, and would be contrary to the proper planning and sustainable development of the area.

**Note**

The Board noted that the site is located in an Area of Secondary Amenity as designated in the Monaghan County Development Plan 2019-2025 where Policy SAP 1 limits development in Areas of Secondary Amenity Value and to only permit compatible amenity developments where they do not unduly impact on visual amenity. The site also forms part of a Designed Landscape as it is within Lough Fea estate which is included in the list of historic houses/demesnes in section 6.19 of the Monaghan County Development Plan 2019-2025 where Policy DLP 2 requires that any proposals for new development in the vicinity of historic houses or demesnes landscapes are accompanied by an evaluation of the impact of the development on the landscape, designed views and vistas to /from such a site. It is considered that the removal and reduction of a significant length of planted roadside boundary would have a negative visual impact on the Area of Secondary Amenity and historic landscape associated with the Lough Fea estate.

The Board also noted that the application site included part of the wall bounding Sforza Lodge, a protected structure RPS ref. 41403104.

While ordinarily these new matters would warrant further consideration and request for further information, in this instance given the substantive reason for refusal above, it was decided not to pursue these matters in the current appeal.

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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Rosemarie McLaughlin  
Planning Inspector

13 February 2025

# Appendix 1 - Form 1

## EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP 321303-24		
<b>Proposed Development Summary</b>	Retention of partially constructed agricultural entrance and permission to complete entrance and all associated site works.		
<b>Development Address</b>	Doohatty and Derrylavan, Carrickmacross, 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>	x
		<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>		State the Class here.	Proceed to Q3.
<b>No</b>	x		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>		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
<b>No</b>			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>		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>	x	Screening determination remains as above (Q1 to Q4)	
<b>Yes</b>		Screening Determination required	

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

Date: 13/02/2025