



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322345-25

<b>Development</b>	Continuation of permission for 54 residential units with all associated works.
<b>Location</b>	St. Patrick's Direct Provision Centre, Drumgoask, Monaghan, H18 WT18
<b>Planning Authority</b>	Monaghan County Council
<b>Planning Authority Reg. Ref.</b>	2460236
<b>Applicant(s)</b>	Tattonward Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Tattonward Limited
<b>Observer(s)</b>	None
<b>Inspector</b>	Bébhinn O'Shea

## 1.0 Site Location and Description

The site measures 5.9 hectares and contains a former agricultural college in use as a direct provision centre i.e. accommodation for applicants for international protection. It sits within a low lying gently undulating area, in a rural area northwest of Monaghan town, accessed via a formal avenue.

## 2.0 Proposed Development

2.1. The proposed development is for continuation of permitted development on the site under Monaghan County Council permission reg. ref. nos. 2022 and 22350, described generally as follows

- 3 single storey buildings, of modular/prefabricated construction, containing a total of 25 units authorised under reg. 20/22,
- 3 other detached buildings containing 29 units authorised under 22/350,
- groundworks for these units and sewerage network connections,
- a prefabricated laundry building,
- 2 no. retaining walls,
- conversion of a vacant building into cooking facilities and store,
- conversion of former playroom into convenience goods outlet for residents,
- 6 no. plant rooms which contain heat pumps for the modular units,
- 2 no. playgrounds,
- use of existing vehicular access, water supply and wastewater connection,
- the removal of loose stones from the site, levelling of the land, provision of communal open spaces, recreational area,
- ancillary works.

There is a total of 54 units accommodating households of 1-3 people, but may accommodate 5 people depending on family size.

2.2. For clarity, the above works have the benefit of planning permission and do not contain new elements; temporary permission was granted under 20/22 and 22/350,

and an extension to the duration of these permissions granted under 23/89. See planning history at section 4.0 below.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. The Planning Authority sought Further Information in relation to

1. Concerns with the unsustainable nature of the proposed development due to its scale, location, lack of associated services, connectivity with existing services. The applicant was required to demonstrate how the proposal satisfactorily complies with policies HSP 4 and HSP 5 of the Monaghan County Development Plan 2019-2025.
2. (a) A Stage 1 and 2 Road Safety Audit, (b) revised drawings incorporating all design measures in response to above (c) a Traffic and Transport Assessment (TTA) (d) a Quality Audit
3. Additional information to demonstrate how the proposal will comply with section 15.29 of the CDP and provide a pedestrian footpath and public lighting links.
4. Flood risk assessment
5. Surface water/storm water drainage details and Water Protection Plan Checklist.
6. Additional information to demonstrate that the existing structures are suitable as long term accommodation, having particular regard to their structural integrity, durability and visual appearance, noting the timebound conditions relating to previous planning permissions.
7. Clarification of the reference to 'expansion of services' 'a need for additional numbers' and 'proposed units', compared to the application proposal for the continuation of existing permitted development on the site, as previously approved under planning references 20/22 and 22/350.
8. Clarification in relation to the site area and extent.

9. Clarification of missing document (newspaper except) referred to but not within application.

3.1.2. The Planning Authority then granted permission subject to 9 No. conditions including:

1. Temporary duration of permission for period of 5 years.
2. Terms and conditions of previous permissions to be completed with, except where now modified.
3. Implementation of RSA recommendation with 3 months of final grant.
4. Annual condition survey report on modular accommodation.
5. Construction and Demolition and By-Products Waste Management Plan
6. Disposal and recovery of construction/demolition waste or excess soil to be in accordance with Waste Management Act 1996.
7. Revised site layout plan to be submitted for agreement with surface water and drainage system details.
8. (a) Control of infilling material imported onto site (b) segregation of recyclable waste (c) – (h) surface water protection measures (j) control of hazardous waste (j) flood prevention.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

3.2.1.1. The First Planner's Report assessed the proposed development under the Monaghan County Development Plan 2019-2025 which was in effect at the time. It noted

- Section 3.3 of the MCDP 2019-2025 acknowledged the operation of this centre and the need for accommodation, but stated that it should not be at the expense of sustainable development. On-site use established, no objection in principle. But fundamental concerns re. nature of this development at this rural location on a permanent basis, in conflict with the aims of policies HSP 4 and HSP 5 in terms of sustainable, long term housing provision.

- Conditions attached to previous planning permissions were imposed to allow for reassessment in time of the modular/prefabricated structure; the application seems premature given expiry date of permission/ongoing assessment
- Additional information is required in terms of TTA, RSA, Quality Audit and pedestrian footpath linkage
- Flood risk assessment not adequate
- Landscaping proposals were acceptable
- Premature to consider granting permission for the development as proposed on a permanent basis, given the temporary permission already on site and the rationale behind same,
- Noted that the application appears to incorporate material submitted under application 23/89 (which was for expansion) and incorrectly refers to additional units. Other discrepancies also.
- Screened out for the need for EIA/AA
- Further Information was recommended as per 3.1.1 above

3.2.1.2. The Second Planner's Report considered the response to Further Information. The response was deemed Significant Information. No third-party submissions were received. The report noted, based on the response to FI, that

- The overall development now provides accommodation for up to 270 persons, similar to the population of a tier 4 village, and is without the level of services/connections required to support such scale.
- The applicant states that a grant of permission for longer periods is sought, this would enable positive financial decisions and allow upgrades on site.
- The report states, given the above, a temporary permission is considered appropriate subject to further assessment of the standard of living accommodation.
- The Stage 1 & 2 Road Safety Audits, Quality Audit and TTA were acceptable, it was noted a timebound condition in relation to implementation would be recommended.

- The provision of a footpath connection was no longer considered necessary/reasonable given permission is now intended for a limited period; the recommendations in the RSA will improve safety for residents.
- SSFRA was submitted and flood risk issues considered to be addressed.
- Drainage information submitted, exact location of all outfall points still unclear but may be addressed by condition.
- Visual assessment of units undertaken; they were found to be in good condition and an annual inspection is recommend.
- Clarification of discrepancies in the application were addressed. No additional units are proposed.
- The report noted that permission is not due to expire until August 2028 and concluded that given the established nature of the accommodation centre, the need to retain existing units for a longer period than is currently permitted, the level of amenity provision and satisfactory response to concerns of internal service departments, a further temporary permission of five years was considered appropriate.
- A grant of permission as per 3.1.2 above was recommended.

### 3.2.2. Other Technical Reports

Environment:	Recommends further information: Water Protection Plan checklist, petrol interceptor provision, details of surface water and foul systems.  Following response to FI no objection subject to conditions
Fire Officer:	No objection subject to conditions
MD:	No objection on the basis permission is temporary
Water Services:	No objections

### 3.3. Prescribed Bodies

EHO	No objection
IFI	Comments re. on-site surface water treatment/management and mitigation for impacts on water quality.  Following response to FI no objection

### 3.4. Third Party Observations

None

## 4.0 Planning History

**24/60090:** Permission refused on 07/05/2024 for erection of six detached buildings providing 61 modular units of accommodation for asylum seekers using existing vehicular access, water supply, sewer connection, installation of four new pump houses, the demolition of existing agricultural sheds, the levelling of the land, the provision of communal open space, outdoor recreational area and ancillary site works.

**23/89** Temporary 5 year permission granted on 17/08/2023 for the continuation of permitted development on the site under permission ref: 20/22 & 22/350, comprising 54 units, and associated groundworks, a prefabricated laundry building, two retaining walls; conversion of a vacant building into cooking/store facilities; convenience goods outlet, six plant rooms, playgrounds, using existing vehicular access and water/wastewater connections, removal of existing loose stones, levelling of the land, the erection of a reinforced concrete retaining wall, the provision of communal open spaces recreational area and all ancillary site works

**22/350** Temporary 5 year permission granted on 08/03/2023 for erection of 3 detached buildings, providing 29 modular units of accommodation for asylum seekers, utilising existing vehicular access, water supply wastewater connection and for the installation of three new pump houses, removal of existing loose stones,

levelling of the land, the erection of a reinforced concrete retaining wall, the provision of communal open spaces recreational area and all ancillary site works.

**20/281** Permission granted on 12/10/2020 for retention of decommissioning of an existing on-site foul effluent treatment system, installation of pump station, four storm tanks, sewer pipe connection and retention of 900m rising main sewer pipe between the site and the public sewerage system and all ancillary works

**20/22** Temporary 5-year permission granted on 01/03/2021 for retention of 3 modular/prefabricated buildings, providing 25 units of accommodation for asylum seekers, along with groundworks, sewerage connections, laundry building, retaining wall, conversion of building into cooking facilities/store rooms, convenience outlet, plantrooms, playgrounds, ancillary works.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The relevant development plan is the Monaghan County Development Plan 2025-2031 which came into effect on 7<sup>th</sup> July 2025. The lands are not zoned. Relevant maps to the area

- Monaghan Town Map 2.2 – Site is within rural area under Strong Urban Influence for Monaghan Town
- Map 8.2 Sensitive Ground Water and Landfills (shows ground water supply zones in the vicinity)
- Appendix A: South eastern portion of the site is within Flood Zone A/B

5.1.2. Relevant policy/objectives include:

- **HSO 1** Supply of housing to be consistent with the Housing Strategy, the Core Strategy and the Settlement Hierarchy, and support the creation of sustainable communities.....
- **HSO 2** To guide urban residential development in a sequential manner outward from the centre of the settlements to maximise the use of existing and future infrastructure provision, to promote sustainability, to make more efficient use of



underutilised lands, and to avoid the extension of services and utilities to more remote areas.

- **HSO 3** To encourage and promote the re-use of vacant units for residential use subject to compatibility with surrounding uses and no adverse impact on residential amenity, protected bat species, European sites, biodiversity value, built heritage.....
- **HSO 5** To provide accommodation for all sectors of society.....as far as is reasonable and practicable utilising the full range of housing options available.
- **HSO 7** To facilitate the provision of suitable accommodation, where a need is identified, for those with special needs, for the homeless and for those in need of emergency accommodation

- **Section 3.17 Specialist Housing Provision**

*3.17.5 Accommodation for International Protection Applicants and Persons Benefitting from Temporary Protection Persons who have been granted refugee status, international protection and temporary protection have the right to apply for local authority housing. Consideration should be given in this regard to household size, structure and the need for access to social supports in terms of language, education and employment.*

- **Section 8.3 Waste Management and the Circular Economy**

WMO 8 To require that treatment/management of any contaminated material shall comply as appropriate with the Waste Management Act 1996 (waste licence, waste facility permit) and under the Environmental Protection Act 1992 (Industrial Emissions licensing, in particular the First Schedule, Class 11 Waste).

- **Chapter 15 Development Management Standards**

- **Section 15.10.8 Integrated Living Centres/Accommodation Centres**

The Council shall support the development of integrated living centres/accommodation centres for serviced and sustainable neighbourhoods having regard to the delivery of safe housing, job opportunities, investment in public transport and active modes of transport, creation of green public

spaces and its connectivity with existing services. A Capacity Assessment shall be submitted to demonstrate, to the satisfaction of the Planning Authority, that the proposed development is serviced and sustainable having regard to the existing range of, and access to, local services and facilities, including employment, commercial, educational, health, spiritual, civic amenities, various support services, other services and include proposals on how to integrate residents into the local community.

**Integrated Living Centres/Accommodation Centres Policy WSP 1:**

Proposals for serviced and sustainable neighbourhood developments/ integrated living centres/accommodation centres shall comply with Section 15.10.8 of the Monaghan County Development Plan 2025-2031.

- **Section 15.22.6 Water protection policy.** Sets out consideration for planning applications , the need for SuDS integration, requirement for application to be accompanied by a completed Water Protection Plan Checklist and site drainage plan, CEMP, restrictions on development

**Water Protection Policy WPP 1** Proposals for developments shall comply with Section 15.22.6 of the Monaghan County Development Plan 2025-2031.

- **Section 15.22.8 Flood Zones and Appropriate Uses** sets out the approach to site specific flood risk assessment, justification tests etc,

**Flood Risk Policy PFP 1** All developments, where applicable, shall comply with Section 15.28 of the Monaghan County Development Plan 2025-2031.

- **Section 15.30 Construction Wastes and Construction and Environmental Management Plan** sets out that construction must be managed/disposed of in a way that ensures the provisions of the Waste Management Acts and the National Waste Management for a Circular Economy 2024-2030 (DECC) Development proposals, may be required to be accompanied by a Construction and Environmental Management Plan (CEMP). The content of a CEMP is set out.

**Construction and Environmental Management Plan Policy CEMP 1** All development proposals, where applicable, shall comply with Section 15.30 of the Monaghan County Development Plan 2025-2031.

## **5.2. Natural Heritage Designations**

European Sites: Slieve Beagh SPA 9km to northwest

Other: Drumreask Lough pNHA c. 1.9km to west;

Wright's Wood pNHA c. 1.9km to southwest

## **6.0 The Appeal**

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

- 6.1.1. It is stated that the overall principle of the decision to grant is not being questioned, the appeal solely relates to Condition no. 6 which states

*Any construction and demolition waste or excess soil generated during the construction phase which cannot be reused on site in accordance with section 31(1)(c) and 39 (1) of the Waste Management Act 1996 as amended, shall be disposed/recovered at an appropriately permitted facility in accordance with the requirements of the Waste Management Act 1996 as amended using authorised waste collectors authorised to collect the type of material for disposal/recovery at authorised treatment facilities:*

*Reason: In the interest of environmental protection*

- 6.1.2. The grounds of appeal are as follows:

- Issues relating to Waste Management are dealt with under the Waste Management Act 1996 (as amended) and this condition has no practical effect, it simply replicates a requirement which exists in law.
- The appeal quotes Section 7.8 of the Development Management Guidelines, which state that it is inappropriate in development management to deal with matters which are the subject of other controls unless there are particular circumstances e.g. the matters are relevant to proper planning and sustainable

development and there is good reason to believe that they cannot be dealt with effectively by other means.

- Section 7.3.1 of the Development Management Guidelines state that conditions should be necessary and that a useful test is whether, without the condition, either permission would have to be refused, or the development would be contrary to proper planning and sustainable development.
- The appeal states that the Planning Officer's report and history files have been reviewed and no planning reason or other environmental reason for imposing the condition has been identified.
- The condition exceeds all statutory requirements and it is requested that the condition be deleted.

## **6.2. Planning Authority Response**

No response received

## **6.3. Observations**

None

## **6.4. Further Responses**

None

## **7.0 EIA Screening**

- 7.1. The appeal relates to Condition no. 6 and the management of construction and demolition waste or excess soil generated during the construction phase of the development. This does not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. (Refer to Form 1 in Appendix 1 of report). EIA, or Screening for EIAR, is not therefore required.

## 8.0 Assessment

8.1. Having regard to the nature and scale of the development and the specific issue arising, that being a first party appeal against Condition number 6 of the Planning Authority decision, I am of the opinion that the determination of the application as if it had been made to the Commission in the first instance is not warranted. In that regard I note the provisions of section 139 of the Planning & Development Act 2000 (as amended). This assessment will therefore be confined to the specific appeal of Condition number 6 of the Planning Authority decision.

8.2. This condition states:

*Any construction and demolition waste or excess soil generated during the construction phase which cannot be reused on site in accordance with section 31(1)(c) and 39 (1) of the Waste Management Act 1996 as amended, shall be disposed/recovered at an appropriately permitted facility in accordance with the requirements of the Waste Management Act 1996 as amended using authorised waste collectors authorised to collect the type of material for disposal/recovery at authorised treatment facilities:*

*Reason: In the interest of environmental protection.*

8.3. I note the provisions of the Development Management Guidelines 2007 and OPR Practice Note 03 Planning Conditions, which set out six basic criteria for planning conditions including that they be *necessary, relevant to planning* and *relevant to the development*.

8.4. The permission is for continuation of an existing temporarily permitted development, for 5 years. Condition 6 refers to the construction phase only. As the development permitted under 20/22 and 22/350 has been constructed, and the subject application, as in the case of 23/89, is for continuation of permission, i.e. to extend the temporary duration of the permission, and not for construction, I consider Condition 6 is not relevant to the proposed development. I note that some of the other conditions of the grant of planning permission on the current application will result in minor works within the site (e.g. resurfacing of some areas, safety barriers, profiling of grassed areas around chamber covers) but I do not consider these are within the main

construction phase, or that they will generate notable construction/demolition waste or excess soil.

- 8.5. Notwithstanding the above, as Condition 6 relates to the management of waste and soil in accordance with the Waste Management Act 1996 (as amended), I do not consider it necessary, as the requirements of this legislation are in effect without Condition no. 6.
- 8.6. Furthermore, any requirements of the Waste Management Act would be dealt with most effectively under that legislation and as such, in the absence of specific detail, I do not consider it relevant to planning in this case.
- 8.7. I have reviewed the case documentation and internal reports within and can find no basis or reason for attaching Condition 6. There has been no response from the Planning Authority on the appeal.
- 8.8. I note that this condition was a requirement of 20/22 (Condition 3) and 22/350 (Condition 6) but that these proposals involved construction. The specific condition was not applied on 23/89, although I note Condition 2 of 23/89 required that *“The development on the site shall be carried out in accordance with the conditions of planning permissions references 20/ 22 and 22/ 350.”*
- 8.9. Therefore on the basis of the above and the information available on file, I conclude that Condition 6 is not relevant or necessary and therefore is not warranted.

## 9.0 AA Screening

- 9.1. This appeal relates to removal of Condition no. 6 and the management of construction and demolition waste and excess soil. I have considered this in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 9.2. The subject site is located outside Monaghan Town c. 9km from Slieve Beagh SPA. The proposed development comprises a continuation of permission for 54 residential units of accommodation for asylum seekers. The matter under consideration is the removal of Condition no. 6 and the management of construction and demolition waste or excess soil generated during the construction phase of the development. The condition requires compliance with waste management legislation. It is noted from details on file and satellite imagery that the development is already constructed.

- 9.3. No nature conservation concerns were raised in the planning appeal.
- 9.4. Having considered the nature, scale and location of the development and the requirements of Condition 6, I am satisfied that the removal of the condition can be eliminated from further assessment as it could not have any effect on a European Site.
- 9.5. The reason for this conclusion is as follows:
- No works are proposed; the development is already constructed therefore effects of the condition do not arise and its removal will have no effect.
  - Notwithstanding the above, the condition is not required as the requirements of the condition are in effect under waste management legislation; removing the condition does not result in any change.
  - The screening comments of Monaghan County Council in relation to the overall development.
- 9.6. I conclude, on the basis of objective information, that the omission of Condition 6 would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 9.7. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## **10.0 Water Framework Directive Screening**

- 10.1. The subject site is located outside Monaghan Town in a rural area, within the Blackwater [Monaghan]\_SC\_010 sub catchment (the Blackwater (Monaghan)\_030 waterbody flows within the site/at boundaries) and within the Monaghan Town ground water body.
- 10.2. The proposed development comprises a continuation of permission for 54 residential units of accommodation for asylum seekers. The matter under consideration is the removal of Condition no. 6 which relates to the management of construction and demolition waste or excess soil generated during the construction phase of the development. The condition requires compliance with waste management legislation.

It is noted from details on file and satellite imagery that the development is already constructed.

10.3. No water deterioration concerns were raised in the planning appeal.

10.4. I have assessed the removal of Condition 6 and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the amendment to the permitted permission I am satisfied that the removal of Condition 6 can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- No works are proposed; the development is already constructed therefore effects of the condition do not arise and its removal will have no effect.
- Notwithstanding the above, the condition is not required as the requirements of the condition are in effect under waste management legislation; removing the condition does not result in any change.
- The Water Protection Plan Checklist submitted to the Planning Authority and report of the Environment Section.

10.5. I conclude that on the basis of objective information, that the removal of Condition no. 6 will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## 11.0 Recommendation

Having regard to the nature of the condition the subject of the appeal, the Commission is satisfied that the determination by the Commission of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council



under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 6 and the reason therefor.

## 12.0 Reasons and Considerations

Having regard to

- the nature of the application for a continuation of the permission on site, and
- the requirements of condition 6 which related to (a) management of waste and excess soil during construction phase and (b) compliance with waste management legislation,

it is considered that Condition 6 is not relevant or necessary, as the construction phase has been completed and the requirements under waste management legislation are applicable without a condition of a planning permission. The planning authority's Condition 6, in relation to construction and demolition waste or excess soil generated during the construction phase, is therefore not warranted.

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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Bébhinn O'Shea  
Senior Planning Inspector

14<sup>th</sup> July 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	322345-25
<b>Proposed Development Summary</b>	Continuation of permission for 54 residential units with all associated works – Removal of Condition 6
<b>Development Address</b>	St. Patrick's Direct Provision Centre, Drumgoask, Monaghan, H18 WT18
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input type="checkbox"/></p>	

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