



An
Coimisiún
Pleanála

Inspector's Report PL-501277-MN-26

Development	Retention of a storage building and permission for a change of use from retail outlet to timber frame manufacturing facility and ancillary works
Location	RB Coogans Hardware, Lakeview Business Park, Castleblayney, Co. Monaghan A75 A386
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	25/60533
Applicant(s)	Fine Living Timber Frames Ltd.
Type of Application	Retention Permission and Permission
Planning Authority Decision	Grant Retention Permission and Permission
Type of Appeal	Third Party v Grant of Retention Permission and Permission
Appellant	Jarlath Kerr
Observer(s)	None

Date of Site Inspection

23rd July 2026

Inspector

Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located in Lakeview Business Park in the northern part of Castleblayney in eastern Co. Monaghan. Irwin Tiles and Hardwood Flooring is also located within the business park, to the east of the subject site. There is undeveloped land to the north, residential development adjacent to the west which is at a higher ground level, and a sports field adjacent to the south.
- 1.2. Access is via the internal business park road. There is a substantial existing structure on site with external yards, an existing storage building, car parking provision, and general vehicular circulation and hardstanding areas. The main building has external materials of red brick, unrendered concrete blocks, and various types of cladding in different colours. Internally it is effectively one large space apart from reception/office areas, including at first floor level. There are skips, mounds of rubble, areas of storage of various materials, and mechanical equipment in the external areas.
- 1.3. The site has an area of 1.381 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for retention permission and permission. Retention permission is sought for an external storage building. Permission is sought for a change of use of the retail outlet (RB Coogan) to a timber frame manufacturing facility with ancillary office and staff facilities, elevational changes, new signage, an extension to the external storage building, plant room/ancillary store, alterations to car parking, revised boundary treatments and all associated works¹.

¹ From my site inspection it is apparent that the development for which planning permission is sought has commenced. Specifically the site is occupied by the applicant, works to the interior of the main building have been carried out (reception and ground floor offices), and timber and other material are within the proposed manufacturing area. Notwithstanding, the matter of enforcement falls under the jurisdiction of the planning authority.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Following a further information request on 24th February 2026 and a response to same on 16th March 2026, Monaghan County Council (MCC) granted permission on 7th April 2026 for the development subject to 20 conditions.

3.1.2. Development-specific conditions of note include:

Condition 2 – The buildings shall not be used outside of the hours of 07.00-20.00 Monday to Friday or 08.00-14.00 on Saturday, or on a Sunday or public holiday, unless otherwise agreed with MCC.

Condition 4 – No deliveries shall be received or dispatched outside the hours of 07.00-20.00 or on Sundays, bank or public holidays, unless agreed with MCC.

Condition 5 – This relates to noise limits and air/dust nuisance.

Condition 6 – Mitigation measures within the Noise Impact Assessment (NIA) shall be implemented in full prior to the commencement of operations.

Condition 7 – Measures contained in the Flood Risk Assessment (FRA) and the solutions within the SUDS Compliance Report shall be implemented in full prior to the commencement of operations.

Condition 10 – Submission of a layout showing a clearly demarcated pedestrian crossing area at the vehicular yard entrance and detail of the yard entrance barrier.

Condition 16 – Any electricity generated at the site shall not be supplied to the national grid unless consent has been granted by the planning authority.

Condition 18 (a) – No goods or materials shall be stored externally except where specific storage areas have been identified.

3.2. Planning Authority Reports

3.2.1. Two Planning Reports were prepared by MCC; the first on foot of the original planning application and the second subsequent to the applicant's response to a further information request.

- 3.2.2. The first Planning Report contained, among other things, a site description, a planning history, a summary of internal reports and submissions received, a recommendation that neither appropriate assessment (AA) nor environmental impact assessment (EIA) was required, and a planning assessment. The planning assessment stated that the development aligns with a number of cited objectives as per the Monaghan County Development Plan (MCDP) 2025-2031 and complies with the land-use objective, though a number of issues were set out. The report concluded that the development was acceptable in principle but further information was required.
- 3.2.3. Further information was sought on 24th February 2026. Revised public notices were received with the further information response.
- 3.2.4. The second Planning Report stated that the further information response did not affect the previous AA position. The response to the further information request included revised hours of operation/deliveries of between 07.00-20.00 (a twenty-four-hour operation had originally been proposed), a revised NIA, a site-specific FRA, a SUDS Design Report², a revised layout including improved arrangement for pedestrians/cyclists and car/bicycle parking, clarification that yellow metal sheeting on the external shed will be painted 'saragossa' (which is a type of green/blue colour) and light grey on the southeastern elevation, and installation of rooftop photovoltaic (PV) panels. One submission was received on foot of the revised public notices and the issues raised were summarised and addressed. The second Planning Report concluded that the development accords with the MCDP 2025-2031 and the proper planning and sustainable development of the area and that issues raised in the objection were considered. A grant of permission was recommended.

3.2.5. **Other Technical Reports**

Engineer's Report – No objection subject to conditions.

Roads Section – No comment.

Environment Section (Water) – Following the further information response related to, among other things, a Water Protection Plan checklist, surface water drainage, and a petrol interceptor, there is no objection subject to conditions.

Public Lighting – No objection.

² Sustainable drainage systems (SuDS)

Environmental Health Officer – Following the further information response related to, among other things, operation and delivery times, there is no objection subject to conditions.

Monaghan Fire & Civil Protection – No objection subject to conditions.

3.3. Prescribed Bodies

3.3.1. None received.

3.4. Third Party Observations

3.4.1. One third-party observation was received by MCC on foot of the original planning application from an individual with an address in Co. Wexford. However, this observation was subsequently withdrawn.

3.4.2. On foot of the revised public notices an observation was received by MCC from the appellant, Jarlath Kerr. The broad and main issues raised are largely covered by the grounds of appeal.

4.0 Planning History

4.1. There has been no recent relevant planning application on site.

5.0 Policy Context

5.1. Project Ireland 2040 National Planning Framework First Revision (NPF) (2025)

5.1.1. The NPF is the long-term 20-year strategy for strategic planning and sustainable development of Ireland's urban and rural areas to 2040, with the core objectives of securing balanced regional development and a sustainable 'compact growth' approach to the form and pattern of future development.

5.1.2. The NPF has, as National Strategic Outcome (NSO) 6, 'A Strong Economy supported by Enterprise, Innovation and Skills'. Commentary for NSO 6 on page 163 states 'A

competitive, innovative and resilient regional enterprise base is essential to provide the jobs and employment opportunities to enable people to live and prosper in the regions’.

5.2. Northern & Western Regional Assembly Regional Spatial and Economic Strategy (RSES) 2020-2032

- 5.2.1. The RSES provides a high-level development framework for the Northern and Western Region that supports the implementation of the NPF and the relevant economic policies and objectives of Government. It provides a 12-year strategy to deliver the transformational change that is necessary to achieve the objectives and vision of the Assembly.
- 5.2.2. Regional Policy Objective (RPO) 3.13 states ‘To support the role of smaller and medium sized towns, which demonstrate an important role in terms of service provision and employment for their catchments within the economic function of the county. Such settlements will be identified through the Development Plan process as part of the Settlement Hierarchy and the Core Strategy’³.

5.3. Monaghan County Development Plan (MCDP) 2025-2031

Zoning

- 5.3.1. The site is in an area zoned ‘Industry/Enterprise/Employment’ with a zoning objective ‘To provide for new industrial, enterprise and employment generating development and to facilitate the expansion of existing industrial and employment generating enterprises. The principal permitted use is a range of employment, industry and business uses’. Table 9.3 (Land Use Zoning Matrix) shows that both light and heavy industry are acceptable in principle at this location. Much of the area to the northwest, north, and northeast is similarly zoned. There is also an ‘Indicative New Road Proposal’ in proximity to the site to the north.

³ Castleblayney is a Tier 2 Strategic Town in the MCDP 2025-2031. Subsection 2.6.2 of the Plan states ‘The Strategic Towns are identified due to their existing population base and their infrastructural capacity to accommodate new residential and commercial development ... The priority for these towns is to accommodate population growth and for them to play a critical role in driving growth and economic development in the County’.

- 5.3.2. Areas immediately to the southwest and southeast are zoned 'Recreation/Amenity' and the land adjacent to those is zoned 'Existing Residential'.

Industry, Enterprise and Employment

- 5.3.3. Commentary on industry, enterprise and employment is provided in Section 9.8 of the Plan. Seven related objectives (IEO 1 – IEO 7) are set out, including:

Objective IEO 2 – 'To facilitate the growth and/or expansion of existing industrial enterprises where appropriate, subject to the Development Management Standards in Chapter 15, of the Monaghan County Development Plan 2025-2031. Such developments should not unduly impact on the residential amenity of existing residential properties'.

Objective IEO 3 – 'To encourage and promote the sustainable development of industry within the towns over the plan period'.

- 5.3.4. Chapter 15 (Development Management Standards) includes Subsection 15.12 (Industrial and Commercial Developments). It states 'The Council is committed to facilitating developments which contribute to the economic development of the County, and which have the potential to create sustainable employment opportunities. Notwithstanding this, the impact of such proposals on the landscape and the environment must be carefully assessed'.

Castleblayney

- 5.3.5. Chapter 12 comprises the 'Castleblayney Town Settlement Plan 2025-2031'. Industry, enterprise and employment is referenced in Subsection 12.6. Objective CBO 2 is 'To promote Castleblayney as a key industrial, enterprise and employment centre'.
- 5.3.6. There are other sections of the Plan relevant to the subject development which are referred to elsewhere in this Inspector's Report (IR), where necessary.

5.4. Natural Heritage Designations

- 5.4.1. The nearest area of natural heritage designation is Muckno Lake proposed natural heritage area (pNHA) approximately 220 metres to the east. There are no European sites (special areas of conservation (SAC) or special protection areas (SPA)) within approximately 24.5km. All distances are in a direct line.

6.0 Environmental Impact Assessment (EIA) Screening

- 6.1. The development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning & Development Regulations, 2001 (as amended). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Appendix 1 of this IR.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. The third-party grounds of appeal are submitted by Jarlath Kerr who has an address in Dublin 17⁴. The main issues raised can be summarised as follows:
- The development fails to achieve a balance between the common good and the interests of individuals as per the strategy of the MCDP 2025-2031 and it gives rise to a clear and material conflict between industrial activity and residential amenity.
 - The zoning does not provide carte blanche for all forms of industrial activity. Where a more impactful proposal (industrial) is put forward abutting a less impactful one (residential), the planning assessment must weigh in favour of the existing less impactful use. The application does not do this.
 - The development would generate traffic on Bog Road and the town centre and would represent a significant intensification of industrial processes, yard activity, and HGV movements on site.
 - It has not been proven that existing residential amenity will not be materially negatively affected by noise and dust. The proposed use is not compatible with adjoining residential uses and conflicts with proper application of zoning objectives.

⁴ The name of the applicant in the grounds of appeal is Jarlath Kerr. However, the name is given as Jarlath McKerr elsewhere e.g. the Planning Appeal Form and the submission to MCC.

- A development which requires noise mitigation in order to achieve acceptable noise levels is not inherently compatible with adjoining residential uses. No evidence is provided as to how building fabric can be upgraded to provide the necessary noise insulation and contradicts objectives NO 1 and NO 2⁵ of the MCDP 2025-2031. Proposed mitigation would be extremely difficult to enforce.
- At the very least there should be no external storage.
- Noise insulation should be in place and approved by MCC to ensure compliance with noise conditions prior to the installation of any equipment.
- It seems unauthorised development took place on site in the past which has not been sufficiently addressed.
- At the very least MCC Conditions 2 and 4 relating to wording and hours of operation should be amended as per requested revisions, with other revisions requested to conditions 5 and 8.
- It is strongly disputed that AA is not necessary and the application should have been accompanied by an Ecological Impact Report (EclA) and AA Screening Report at least, because of a potential connection to Dundalk Bay SAC/SPA via Lough Muckno and the River Fane and the nature of materials to be used during the operational phase. If a pathway is established then AA is required and that means MCC/the Commission are precluded from granting permission because the application contains elements of retention.
- SuDS principles have been ignored which materially contravenes policies of the MCDP 2025-2031⁶. There is conflicting information with respect to surface water drainage. Potential impacts to Natura sites cannot be ruled out.
- The assertion in the MCC Planning Report that all unauthorised/non-compliant elements on site have been addressed is strongly disputed. Refusal is requested

⁵ Objective NO 1 – To promote the implementation of the Noise Directive 2002/49/EC and associated Environmental Noise Regulations 2006.

Objective NO 2 – To ensure development design considers noise alleviation measures, were appropriate [sic], to reduce noise and vibration impacts on surrounding amenities, particularly residential amenity and other noise sensitive locations (e.g., places of worship, healthcare facilities).

⁶ SWDP 1 – Development proposals shall include provision for SuDS in accordance with Section 15.22.7 of the Monaghan County Development Plan 2025-2031.

SWDP 2 – Development proposals shall ensure the capacity and efficiency of the public road network drainage regimes in County Monaghan will be safeguarded for road drainage purposes.

so the applicant is required by a new application to clarify the permitted extent of retail use. Failure to refuse could inadvertently confirm a high level of retail permission on site which would be contrary to Development Plan policy.

7.2. Applicant's Response

- 7.2.1. The applicant's response can be summarised as follows, under headings used in the 'Appeal Statement'.

Planning Policy Context

- Provisions of the policy framework supporting the development are set out.

Ground 1: Contrary to Zoning and Plan Policies

- The proposal fully aligns with the zoning objective. The MCDP 2025-2031 identifies light industry as acceptable in principle. After an extensive further information request, MCC concluded the proposal was acceptable subject to conditions. This is a light industrial/manufacturing use within an established commercial and industrial area and is not a heavy industrial facility as implied. It does not give rise to unacceptable impacts on adjoining lands or residential amenity.

Ground 2: Noise Impact and Residential Amenities

- The NIA concluded the development would comply with all relevant noise criteria and would not result in adverse impacts to residential receptors. The appeal selectively references portions of the report while disregarding overall findings. The NIA assessed a worst-case operational scenario and still concluded that no adverse impact was likely at residential properties. Appellant's concerns are not substantiated by the technical evidence.

Ground 3: Operating Hours

- Amending the conditions would be inappropriate and contrary to Sections 7.1 and 7.2 of the Development Management Guidelines (2007) which relate to conditions. Condition 2 restricts operating hours, the use of 'as otherwise agreed' is standard and good practice, and condition 5 requires the applicant to ensure compliance with noise levels. To impose a draconian 'no deviation from these times' as

requested would not align with the Guidelines, is unnecessary, and not reasonable. MCC condition 2 is requested to be incorporated into a decision⁷.

Ground 4: Appropriate Assessment

- The planning authority concluded that AA was not necessary. No scientific or technical evidence has been submitted to contradict this finding. The proposal is a change of use of a long-established premises. It is established that standardised embedded mitigation such as SuDS is permitted for consideration during the undertaking of AA. The MCC AA screening is correct.

Ground 5: Flood Risk and Drainage

- This is a change of use. OPW guidelines acknowledge that where existing buildings are involved the sequential approach cannot be used to locate them in a lower-risk area and the justification test will not apply. No floods have been recorded in the immediate location, it is zoned for the proposed use, and the development includes SuDS and addresses existing drainage shortcomings.

Ground 6: Unauthorised and Non-Compliant Elements

- The application clearly defines the nature and extent of development. That it could 'inadvertently confirm' unrelated retail uses is arbitrary and does not arise from the permission granted. No retail use is sought or proposed. The context wherein there are unauthorised works on land does not preclude the grant of permission, with reference to cited legal cases.

7.3. Planning Authority Response

7.3.1. None received.

7.4. Observations

7.4.1. None received.

⁷ MCC condition 2 as set out in paragraph 5.4.1 of the Appeal Statement is accurate. Paragraph 5.4.2 contains a requested amended condition wording as per the grounds of appeal which, it is stated, is what the appellant requests condition 2 be changed to. However, the reproduced condition relates to MCC condition 4.

8.0 Planning Assessment

Having examined the application and appeal details and all other documentation on file, and having inspected the site, I consider that the substantive issues in this appeal are as follows:

- Zoning
- The Elements Subject of the Planning Application
- Impact to Residential Amenity
- Surface Water
- Unauthorised Development
- Material Contravention of the MCDP 2025-2031

AA has also been raised in the grounds of appeal. This is separately addressed in Section 9.

8.1. Zoning

- 8.1.1. One of the primary issues raised in the grounds of appeal is that the development is not appropriate at this location and it considers it to be contrary to the zoning objective. The concern in this regard relates to the incompatibility of the proposed use and the adjacent residential use. The appellant considers the site zoning 'does not provide 'carte blanche' for all forms of industrial activity' and the assessment must weigh in favour of the less impactful use when they are abutting (page 2).
- 8.1.2. Under the MCDP 2025-2031 the site is in an area zoned 'Industry/Enterprise/Employment' with a zoning objective 'To provide for new industrial, enterprise and employment generating development and to facilitate the expansion of existing industrial and employment generating enterprises. The principal permitted use is a range of employment, industry and business uses'. Table 9.3 (Land Use Zoning Matrix) shows that both light and heavy industry are acceptable in principle at this location. The applicant refers to the subject use as being light industrial e.g. paragraph 5.2.6 of the Appeal Statement. A 'light industrial building' is defined in article 5 (1) of the Planning & Development Regulations, 2001 (as amended) as an industrial building 'in which the processes carried on or the plant or machinery installed are such as could

be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'. Given that development types including both light and heavy industry are acceptable in principle on this land use zoning, I consider that, in principle, the proposed development is acceptable.

8.1.3. Section 15.12.1 (Industrial and Commercial Developments Within Tier 1-4 Settlements) of the MCDP 2025-2031 sets out what proposals for new industrial and commercial uses, or the expansion of existing uses within Tier 1-4 settlements, shall comply with. Castleblayney is a Tier 2 town. I briefly outline how the subject development compares with the relevant subsections:

- In relation to subsection (a), the use complies with the land use zoning objective.
- In relation to subsection (c), infrastructure is in place e.g. road access and public water, surface water, and foul.
- In relation to subsection (d), the development involves the change of use of an existing premises with limited alterations. It is proposed to paint the structure, which would be an improvement to the visual amenity of the area (see the first bullet point of paragraph 8.2.5).
- In relation to subsections (e) and (f), there is no adverse impact on the character or setting of the settlement. Impact on the amenity of adjoining residential properties, including as a result of noise, is addressed in Section 8.3 of this IR. I do not consider there would be any impact on other commercial premises or on the recreational/amenity zoned area. Light or odour are not issues of concern.
- In relation to subsection (g), no buffer zone is provided. The development involves the change of use of an existing building. An extension to the storage shed maintains the building line, however there is no development on the opposite side of this boundary.
- In relation to subsection (h), there is adequate access, visibility, parking, circulation and servicing area. The commercial property is in place and a change of use is proposed.
- In relation to subsections (i) and (j), the layout is dictated by the existing footprints of buildings and hardstanding areas. There is limited opportunity for landscaping,

given that it is a change of use application, though the site layout would be improved and more formalised.

- 8.1.4. In addition to the foregoing, there are a number of objectives and sections of the MCDP 2025-2031 that support, in principle, development of this type. Objectives IEO 2, IEO 3, CBO 2 and Subsection 15.12 are set out in paragraphs 5.3.3-5.3.5 of this IR. The NPF and RSES are also generally in favour of this type of development, as per Sections 5.1 and 5.2.
- 8.1.5. I address the impact to residential amenity in Section 8.3 of this IR. I conclude that there would be no undue adverse impact, subject to conditions.
- 8.1.6. Having regard to the foregoing, I consider that the development would accord with the zoning of the site and would be acceptable in principle.

8.2. The Elements Subject of the Planning Application

- 8.2.1. The planning application involves a number of different elements which can be separately assessed as follows:

Retention and extension of the external storage shed

- 8.2.2. The application involves the retention and extension of an external storage building. The existing structure is located along the southeastern boundary of the site to the front of the main building in the concrete yard area. It is open to the front/yard and partially to the sides. It has a floor area of 167.3sqm, a height of 5.44 metres, and is finished in yellow corrugated metal sheeting. On my site inspection it was being used for the storage of materials. It is proposed to extend this by 146.4sqm (giving an overall area of 313.7sqm) while maintaining the existing height and general appearance. However, the corrugated metal sheeting is to be painted 'saragossa'.

- 8.2.3. I consider the structure to be reasonably ancillary to the main structure on site, it would not be visually obtrusive in this industrial/commercial area, and it would be acceptable.

Change of use from a retail outlet to a timber frame manufacturing facility with ancillary office and staff facilities

- 8.2.4. The acceptability of the proposed industrial use has been established in the previous subsection in terms of its general compatibility with the zoning of the site. Office and staff facilities are standard ancillary uses of building of this type and the proposed

works in this regard comprise minor interior alterations. I consider the change of use to be acceptable.

Elevational changes

8.2.5. These changes include:

- a change of cladding colour from yellow to 'saragossa'. The existing yellow cladding is somewhat visually incongruous and obtrusive and I note that condition 2 of the most recent planning application on site stated, 'the use of Aztec Yellow roof cladding is not approved under the terms of this permission'⁸. Its alteration would improve the general visual amenity of the site in my opinion.
- Canopies/noise barriers are proposed as noise mitigation measures to roller shutter door areas to the northeastern and northwestern elevations. They extend 6 metres from the front building line and 4 metres from the side building line. I do not consider that they would have any adverse visual impact on the main building.
- Four of the eight roller shutter doors to the northeastern elevation are to be slightly enlarged. Two new roller shutter doors are proposed to the northwestern elevation. In the context of the existing appearance of the main building I do not consider that these alterations would have any notable visual impact.
- PV panels are proposed on the southwestern roof. These are increasingly common and I consider them to be acceptable.

New signage

8.2.6. Signage is proposed to the northeastern and southeastern elevations. The size of the proposed signage is modest in the context of the scale of the main building and I consider it to be acceptable. The proposed signage is not illuminated.

New plant room/ancillary store

8.2.7. This structure is to be located along the southwestern boundary in proximity to the main building. It is a very modest structure with a floor area of 20.5sqm and a height of 3.46 metres. It is to be externally plastered. I consider it to be acceptable.

⁸ MCC Reg. Ref. 0540023 under which permission was granted in 2006 for the removal of condition 3 of planning reference CB 2/05 which restricted the gross retail floor area of the builders' merchants to 1,000sqm.

Alterations to existing car parking areas

- 8.2.8. Car parking is currently located in the northern area of the site. The existing site layout plan indicates that there are 76 car parking spaces, though 17 of them are outside the red line site boundary. The site layout plan submitted with the further information response (drawing no. 2558-P-102-B) shows a reduction in the number of spaces to the north of the site (36, including four accessible spaces plus a bicycle parking area) and the provision of 51 spaces in the eastern part of the site giving a total of 87 spaces. The further information response stated that EV spaces would be provided at a rate of one in five as agreed with MCC (and as per Section 15.24 (Car Parking Standards) of the MCDP 2025-2031).
- 8.2.9. A 'Car Parking Proposal' document was submitted as part of the further information response. This indicates that the maximum number of spaces required under Table 15.5 (Car Parking Standards) of the MCDP 2025-2031 is 85. Therefore, there is a slight over-provision on site. I recommend inclusion of a condition that only 85 car parking spaces be provided on site, consistent with the maximum standard as per the Plan.
- 8.2.10. The further information site layout plan illustrates pedestrian walkways across the external site area between the car parking areas and the main building. One of these crosses inside the 'vehicular yard access/exit'. Condition 10 of the MCC decision requires submission of a revised layout showing a clearly demarcated pedestrian crossing area where the pedestrian walkway meets the vehicular yard entrance and elevational details of the yard entrance barrier. In my opinion the layout as provided is sufficient. It shows a pedestrian crossing at this location. I do not consider that vehicular activity would be so intense and speeds so high that there would be any undue risk to pedestrians traversing the yard on a pedestrian walkway that further detail such as that required is necessary. This condition was not recommended in the Engineers or Roads Sections reports.
- 8.2.11. Having regard to the foregoing, I consider that the revised car parking layout is acceptable subject to a maximum provision of 85 spaces.

Revised boundary treatments

- 8.2.12. The existing layout plan shows the southwestern and southeastern boundaries as block walls with metal fencing. On my site inspection there was fencing along the

northwestern and northeastern boundaries. The area along northern red line site boundary was solid timber fencing and the area around the access had fencing covered with material, both bearing the applicant's logo.

- 8.2.13. As part of the further information response a landscape and boundary details site layout was submitted (drawing no. 2558-P-103-A). The external site boundaries are indicated as existing or proposed paladin fencing. Given the nature of the site and surrounding environment I consider the boundary treatments to be acceptable. Given the extent of existing signage along the northern red line site boundary and around the site access I consider it appropriate to include a condition restricting advertising on site as per condition 15 of the MCC decision.

Conclusion

- 8.2.14. Having regard to the foregoing, I consider that the separate elements subject of the planning application are acceptable, individually and collectively.

8.3. Impact to Residential Amenity

- 8.3.1. The adverse impact on the residential amenity of the area is one of the main issues raised in the grounds of appeal. Noise, hours of operation, and intensification of use of the site are cited.

Noise

- 8.3.2. The grounds of appeal considers that a development which requires noise mitigation to achieve acceptable noise levels is not compatible with adjoining residential uses, queries how the building fabric can be upgraded to provide the necessary insulation, considers that proposed mitigation would be extremely difficult to enforce, and requests revised wording to condition 5 of the MCC decision.
- 8.3.3. A NIA dated 22nd December 2025 was submitted with the planning application. It noted that the facility was proposed to operate on a 24-hour basis. An attended noise survey was undertaken on one night/morning in December 2025 to establish a baseline. I note the survey at Black Island View (Survey A1) was undertaken adjacent to the northwestern external yard area. Another survey (A2) was undertaken at Oliver Plunkett Park, a residential area, to the southeast. Noise sources were road traffic⁹,

⁹ The NIA refers to the R723, however this is not located in this area.

foliage, and birdsong. A model was developed to establish a worst-case scenario. It was determined that noise levels would be well in excess of background noise levels and mitigation was required i.e. upgrade of building fabric and noise barriers/canopies around the roller shutter doors (as proposed in the application). A subsequent model was produced for noise sensitive locations (NSLs). NSL 3 (Antoine House, a HSE run residential unit for adults with disabilities) to the southeast was considered for daytime exposure because it had the highest predicted noise level. It was predicted that the noise emanating from the proposed development will likely not have an adverse impact during the daytime period. NSL 2 (Oliver Plunkett Park) was considered for nighttime exposure because it had the highest predicted noise level. It was predicted that the noise emanating from the proposed development would likely not have an adverse impact. Additional recommendations were outlined. Overall, with mitigation, the development would comply with project criteria.

- 8.3.4. A revised NIA was requested as part of the further information request to address suggested reduced hours of operation and any extractor fans or other noise emitting plant.
- 8.3.5. A revised NIA dated 16th March 2026 was received as part of the further information response. The revised NIA included the reduced hours of operation (07.00 – 20.00) and included dust extraction plant in Section 5.1 (Noise Model Inputs) which does not feature any external extract fans. Similar mitigation relating to upgrade of building fabric and noise barriers/canopies were included. It is predicted that daytime noise exposure at NSL3 noise will have a low impact. Based on the predicted results at the NSL for the daytime period, compliance with the evening time criteria (19.00-23.00) is achieved. Some additional recommendations were included in the revised NIA relating to operating hours and entrance/exit doors. The revised NIA reached a similar conclusion to the original NIA.
- 8.3.6. Having regard to the foregoing, I consider that, subject to appropriate conditions, the development would be acceptable at this location. As set out elsewhere in this IR, the development complies with the zoning objective and related considerations. I do not have a concern that mitigation measures are required to achieve appropriate noise levels. If this application was for a new-build development then the relevant mitigation could be embedded into the design. However, it is a change of use and involves a degree of retrofitting. Though the applicant has not identified the process by which the

fabric upgrading would be undertaken I consider this can be addressed through an appropriate compliance condition. It is a positive aspect of the application that an existing property on appropriately zoned land is being continued in use rather than a greenfield site being developed.

- 8.3.7. The appellant considers that the proposed mitigation would be difficult to enforce. I consider it to be reasonable to recommend a grant of permission subject to the mitigation measures and recommendations set out in the supporting NIA. Enforcement of conditions would be a matter for MCC should complaints be received that conditions are not being complied with. In addition, the appellant is seeking the removal of the words 'unless otherwise agreed in writing with the Planning Authority' from condition 5 (a) of the MCC decision which relates to noise levels. This wording permits a degree of flexibility and is a normal attachment to many conditions. As it requires agreement with the planning authority, and as the planning authority would consider the public good before agreeing, I consider the wording to be reasonable.
- 8.3.8. Objective NO 2 of the MCDP 2025-2031, as set out in Footnote 5, requires that development design considers noise alleviation measures where appropriate. I consider that this has been adequately carried out in the NIA.
- 8.3.9. I note that it was the EHO who recommended further information on the hours of operation and revised NIA and, following the response, recommended a grant of permission. Condition 5, relating to noise, was recommended by the EHO. I consider that a similar condition is appropriate.
- 8.3.10. Having regard to the foregoing, I consider the development would not give rise to undue adverse noise impacts to residential areas.

Hours of operation

- 8.3.11. The appellant considers that conditions 2, 4, and 8 of the MCC decision should be amended, with fewer hours of construction and operation permitted and more restrictive wording applied.
- 8.3.12. As set out in the original NIA the facility was originally proposed as a 24-hours operation. Notwithstanding the findings and mitigation measures in the NIA the planning authority, in a further information request, expressed concern about the proposed hours of operation and the effect on residential amenity. Revised hours of

operation of 07.00-20.00 were cited in the further information request. In response the applicant stated that 'revised proposed hours of operations and deliveries will be restricted to the hours of 07:00 hours to 20:00 hours ...' (page 2 of the response cover letter).

- 8.3.13. In my opinion, conditions 2 and 4 of the MCC decision can be combined and made clearer in terms of what is permitted. Restricting the hours of operation i.e. manufacturing and deliveries in and out, is reasonable in my view. However, I do not consider it reasonable to restrict, for example, office work or late meetings, which is what condition 2 does¹⁰. It is only the noise generating activity that should be restricted, in my view. The wording of condition 4 is also confusing in that it does not cite Monday-Friday or Saturday, assuming the condition is meant to replicate the hours cited in condition 2. Therefore, I consider a revised condition to be necessary. The appellant's suggested condition is overly restrictive in my opinion in terms of hours of operation.
- 8.3.14. MCC condition 8 has a standard wording and it relates to the hours of construction phase activity which, given the nature of the development, is not likely to be unduly lengthy. As the MCDP 2025-2031 does not set out standard construction hours I consider those cited in the decision are acceptable.
- 8.3.15. I consider the operating hours as per the decision to be reasonable, though I consider that a rewording and combination of conditions 2 and 4 is appropriate.

Intensification of use

- 8.3.16. The possible intensification of use of the site, in itself, is not a matter of concern in my opinion because the site is zoned for activity of the type proposed. Notwithstanding, in the further information response to the issues raised in the original (withdrawn) submission, the applicant disputes that any intensification would occur. It stated, 'The revised proposed use will reduce the traffic movements associated with the site both in terms of deliveries and more significantly the massive reduction in use by the general public, realistically the estimated number of employees per shift would max out at 40 persons', and 'The proposed use ... will be generally less intensive than the current retail use'.

¹⁰ 'The use of the buildings hereby permitted shall not be carried outside the hours of ...'

8.3.17. I do not consider that intensification of use of the site, should it occur, would be a matter of concern or would adversely impact residential amenity, given the recommended conditions to be attached relating to noise and hours of operation.

8.4. Surface Water

8.4.1. Surface water is an issue raised in the grounds of appeal. The appeal considers that the principles of SuDS have been ignored and that there is conflicting information on file in relation to surface water drainage.

8.4.2. In the initial Planning Application Form received by MCC the stated manner of surface water discharge was to a watercourse. The 'Existing Site Plan – Topographical' (drawing no. 2558-P-101-A) showed the existing surface water line leaving the site at the eastern boundary. The internal MCC Environment report recommended further information be sought in relation to surface water. A response to these issues included a Water Protection Plan checklist, a SuDS Design Report dated February 2026, and layout drawings. The SuDS Design Report stated the existing drainage system is in good working order. Buildings and yard drainage are separated but both discharge to the public system at the same location. However, one section of building surface water discharges uncontrolled on the western boundary. This is to be connected into the existing system. It is proposed to limit the discharge from the site to the maximum annual run-off rate and provide on-site attenuation with discharge to the existing drainage pipe. The Environment report on the further information response states that it has no objection subject to conditions.

8.4.3. The grounds of appeal consider that the principles of SuDS have been ignored and that there is conflicting information on file in relation to surface water drainage. I consider the SuDS report has addressed any conflicting information and the surface water drainage system, existing and proposed, has been clearly set out. The grounds of appeal also refer to Policies SWDP 1 and SWDP 2 of the MCDP 2025-2031 (as set out in Footnote 6).

8.4.4. Policy SWDP 1 refers to Subsection 15.22.7 (Surface Water Drainage) of the MCDP 2025-2031¹¹. I note initially that this application is largely for a change of use of the site with the vast majority of the structures and infrastructure relevant to it already in

¹¹ Given the distance to a public road I do not consider Policy SWDP 2 to be relevant.

place as part of previous permissions. The retention element comprises a very limited element of the application and built fabric on site. I acknowledge that there are few SuDS features on site and this is largely an engineered surface water drainage regime. Subsection 15.22.7, while promoting the use of SuDS states that 'In some exceptional circumstances ... approval may be given to install underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required control of water discharge. Such alternative measures will only be considered in exceptional circumstances at the discretion of the Planning Authority'. Given the content of the Environment report and the decision to grant permission, the planning authority clearly considers this exception to be applicable in this case.

- 8.4.5. Given the nature of the subject site and the nature of the planning application I agree with the planning authority. I do not consider it reasonable or appropriate to require the applicant to reconstruct the surface water infrastructure for a change of use development and I am satisfied that the exception allowed for within the Plan can be applied in this case. I note that the proposed surface water regime would include a petrol interceptor, on-site attenuation, and a hydrobrake, and would also improve the current surface water drainage system by incorporating the surface water which currently discharges to the western boundary. I consider the proposed surface water regime to be acceptable.

8.5. Unauthorised Development

- 8.5.1. It is stated in the grounds of appeal (pages 5 and 9) that unauthorised development took place on site, which has not been sufficiently addressed. The unauthorised development being referred to relates to the extent of the previous retail use. However, page 23 of the second MCC Planning Report stated, 'The Planning Authority is satisfied that the original permissions have been substantially complied with'. MCC is the competent authority for enforcement and the Commission has no role in this. As such, I consider that the issue of alleged unauthorised development need not concern the Commission for the purposes of this appeal.

8.6. Material Contravention of the MCDP 2025-2031

- 8.6.1. I note the following comment on page 2 of the grounds of appeal,

'It is noted that within submissions/objections submitted to the Planning Authority (PA), the proposed development would materially contravene the overall strategy of the Development Plan including Environmental impacts/drainage, generation of traffic and parking provision, fire safety and proximity to site boundaries, impact on adjoining zoned lands and the question has the lawful use of premises been accurately defined'.

8.6.2. I am unclear as to which submissions/objections are being referred to given that the appellant's submission was the only valid submission received by MCC. Notwithstanding the absence of any cited material contraventions within this statement, I briefly address these as follows:

- Environmental impacts/drainage – Although cited in general terms in the above extract, the grounds of appeal, on page 8, specifically consider that the ignoring of SuDS principles within the proposal would materially contravene the Plan. I have addressed this issue in paragraphs 8.4.4 and 8.4.5 of this IR. In my opinion, given the nature of both the existing site and the application, the subject development can be considered under the exception set out in Subsection 15.22.7 of the Plan and no material contravention arises.
- Traffic and parking – Generation of traffic is not a material contravention issue. The car parking proposed is minimally in excess of the maximum standard set out in Table 15.5. This can be addressed by condition and would not comprise a material contravention of the Plan.
- Fire safety – Fire safety is not a matter for the planning code. A Fire Safety Certificate would likely be required.
- Proximity to site boundaries – The development primarily involves the change of use of an existing building.
- Impact on adjoining zoned lands – This issue has been addressed in detail in this IR and in my opinion there would be no undue adverse impact on adjoining zoned lands.
- Lawful use of the premises – This is not a material contravention issue.

- 8.6.3. Having regard to the foregoing, and from preparing this IR, I am satisfied that the proposed development would not comprise a material contravention of the MCDP 2025-2031.

9.0 Appropriate Assessment (AA) Screening

- 9.1. AA screening has been carried out in Appendix 2 to this IR.
- 9.2. In accordance with Section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in this AA screening, I conclude that the development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Dundalk Bay SPA or Dundalk Bay SPA, or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. AA is not required.
- 9.3. This determination is based on:
- The nature, scale, and location of the development
 - The presence and use of public services
 - The absence of clear source-pathway-receptor connectivity. Even if connectivity was established, the assimilative capacity of the river and lakes over the approximately 39km hydrological pathway would ensure the development would have no likely significant effect on any European site
- 9.4. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

10.0 Water Framework Directive (WFD)

- 10.1. The provisions of Appendix 3 apply to this section.
- 10.2. The site is a commercial site in a zoned area on the edge of Castleblayney. There are no waterbodies in the near vicinity.

- 10.3. No water deterioration concerns were raised during the planning application process¹².
- 10.4. I have assessed the development and have considered the objectives as set out in Article 4 of the WFD which seek to protect and, where necessary, restore surface and 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 project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 10.5. The reasons for this conclusion are as follows:
- the relatively limited nature and scale of the works,
 - the absence of any water body in the near vicinity,
 - the existing connections to public infrastructure
 - the standard condition that can be attached to any grant of permission that surface water shall comply with the requirements of the planning authority for such works and services.
- 10.6. On the basis of objective information, the development would 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

- 11.1. I recommend that retention permission and planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

¹² Issues raised in the grounds of appeal relating to surface water are addressed in Subsection 8.4 (Surface Water) and Section 9 (Appropriate Assessment (AA) Screening) of this IR.

12.0 Reasons and Considerations

Having regard to the nature and scale of the subject development, the previous use of the site, its location within a business park, and having regard to the zoning of the site and the other provisions of the Monaghan County Development Plan 2025-2031, it is considered that, subject to compliance with the conditions set out below, the development would be in accordance with the objectives of the Development Plan and would not result in an undue adverse impact on the residential amenity of properties in the area. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be retained and carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 16th day of March 2026, 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. No noise generating operational activities, incoming or outgoing deliveries, or external yard activity shall be carried out on site outside the hours of 07.00-20.00 Monday-Friday and 08.00-14.00 on Saturday, or at any time on a Sunday or public holiday, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of clarity and residential amenity.

3. (a) The mitigation measures contained in Section 5.2 (Mitigation Measures) and Section 6.1 (Noise Management Policy) of the Noise Impact Assessment received by the planning authority on 16th March 2026 shall be implemented.

(b) The building fabric upgrading and external upgrade works cited in Section 5.2 of the Noise Impact Assessment shall be in place to the written satisfaction and approval of the planning authority prior to commencement of any manufacturing operations.

Reason: In the interests of clarity and residential amenity.

4. There shall be no more than 85 car parking spaces provided on site.

Reason: To comply with the maximum car parking standard of Table 15.5 (Car Parking Standards) of the Monaghan County Development Plan 2025-2031.

5. (a) The activities on site shall not give rise to noise levels at the nearest noise sensitive receptor which exceed the following sound pressure limits, unless as otherwise agreed in writing with the planning authority;

- Between 07:00 - 20:00 – 55dB(A) Leq (1 hour)
- Between 20:00 - 07:00 – 45dB (A) Leq (1 hour)

b) 95% of all noise levels measured shall comply with the specified limit value above. No individual noise measurement shall exceed the limit value(s) by more than 2dB(A).

c) There shall be no tonal or impulsive noise at noise sensitive locations during night-time hours (20:00hrs to 07:00hrs).

d) Best practical means shall be adopted to ensure that no air, noise or dust nuisance occurs in the vicinity of nearby dwellings.

Reason: In the interest of public health and environmental protection.

6. The materials, colours, and textures of the external finishes to the structures on site shall be in accordance with the documentation submitted, unless as otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and surface water management.

8. Site development and building works shall be carried out between the hours of 07.00-19.00 Mondays to Fridays inclusive, between 07.00-13.00 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 agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

9. Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of reducing waste and encouraging recycling.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties in the vicinity.

11. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection.

12. No advertising signs, flags, symbols, emblems, logos, or other advertising devices other than signage indicated on the plans approved shall be erected externally on the building or anywhere on the site without a prior grant of permission.

Reason: In the interest of visual amenity.

13. 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 Coimisiún 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Anthony Kelly

Senior Planning Inspector

10th August 2026

Appendix 1 – Environmental Impact Assessment (EIA) Pre-Screening

Case Reference	ACP-501277-MN-26
Proposed Development Summary	Retention of a storage building and permission for a change of use from retail outlet to timber frame manufacturing facility and ancillary works
Development Address	RB Coogans Hardware, Lakeview Business Park, Castleblayney, Co. Monaghan A75 A386
IN ALL CASES CHECK BOX OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2. ☐ No. No further action required.
(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)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning & Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested.	State the Class here
☒ No, it is not a Class specified in Part 1. Proceed to Q.3.	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning & 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?	

☒ No, the development is not of a Class specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is mandatory. No screening required.	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. OR If Schedule 7A information submitted proceed to Q4.	
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)?	
Yes ☐	Screening Determination required
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2 – Appropriate Assessment (AA) Screening Determination

Screening for Appropriate Assessment (AA) Test for likely significant effects	
Case Reference Number: ACP-501277-MN-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	Retention of a storage building and permission for a change of use from retail outlet to timber frame manufacturing facility and ancillary works
Brief description of development site characteristics and potential impact mechanisms	The site is primarily occupied by a large building, and it is surfaced in hard standing. It is located on a zoned site at the edge of Castleblayney. The application largely involves a change of use of the site. There are a mix of uses in the vicinity. Foul and surface water are to the public systems. The closest waterbody, as per the publicly available www.catchments.ie website, is Lough Muckno approximately 350 metres to the west. The closest watercourse is the River Fane just over 500 metres to the northeast. The publicly available NPWS website map shows a drainage/ditch network to the north of the site which may or may not connect into the River Fane or Lough Muckno. There are no European sites within approximately 24.5km.
Screening report	No
Natura Impact Statement (NIS)	No
Relevant submissions	The MCC Planning Report does not consider that Stage 2 AA is required. The grounds of appeal dispute the MCC conclusion in this regard. It considers that there is a potential connection to Dundalk Bay SAC/SPA via Lough Muckno and the River Fane. Operational stage materials are potentially highly polluting. If a pathway is established then AA would be required and as the application involves a

	retention element the Commission would be precluded from granting permission.			
Step 2. Identification of relevant European sites using the source-pathway-receptor model				
In my opinion, given the nature of the subject site and the development, the use of public services infrastructure, and the distance to European sites, the development would not result in any likely significant effect on any European site. Notwithstanding, in the interest of completeness I have briefly considered the closest European sites in the following table.				
European Site (code)	Qualifying interests / Special conservation interests	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Dundalk Bay SPA (004026)	23 waterbirds plus wetlands and waterbirds [A999]	Approximately 24.5km to the southeast in a direct line	Possible indirect hydrological	No
Dundalk Bay SAC (000455)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410]	Approximately 26km to the southeast in a direct line	Possible indirect hydrological	No

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

In my opinion, the development, which is relatively limited in scale, would not have any potential direct or indirect impact on any European site. The nearest sites are significant distances away and there is no clear source-pathway-receptor link. Neither the NPWS nor the catchments.ie maps clearly show a hydrological link between the site and Dundalk Bay. Notwithstanding, even if a pathway was established, I do not consider that the subject development could result in any likely significant impact on either the SPA or the SAC given the assimilative capacities of the lakes (as well as Lough Muckno the hydrological link would also have to traverse Lough Ross) and the river, the hydrological distance between the site and the European sites of approximately 39km, and, in particular, the fact that surface water from the site is to discharge to the public surface water infrastructure and not to any watercourse.

Notwithstanding, I make the following observations on the concerns expressed in the grounds of appeal:

- I do not consider that the application required an AA Screening Report or an EclA.
- The grounds of appeal have not established that a pathway is present and have not clarified what materials used in the operational stage have the potential to be highly polluting. Notwithstanding, as set above, I do not consider that even if a pathway does exist, there would be any likelihood of the development resulting in likely significant effects to Dundalk Bay SPA or SAC.
- The Commission would not necessarily be precluded from granting permission should a pathway be established. Although permission cannot be granted for the retention of any development that would require AA, as set out above even if a pathway was established there is no possibility that this development would have a likely significant effect on any European site, therefore AA would not be required and the application could be granted.

As there is no likelihood of significant effects arising to European sites from the development alone, I do not consider the development could act in combination with any other plan or project to result in any significant effect.

Step 4: Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the development (alone) would not result in likely significant effects on Dundalk Bay SPA or Dundalk Bay SAC. The development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning & Development Act, 2000 (as amended), and on the basis of the information considered in this AA screening, I conclude that the development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Dundalk Bay SPA or Dundalk Bay SPA, or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. AA is not required.

This determination is based on:

- The nature, scale, and location of the development
- The presence and use of public services
- The absence of clear source-pathway-receptor connectivity. Even if connectivity was established, the assimilative capacity of the river and lakes over the approximately 39km hydrological pathway would ensure the development would have no likely significant effect on any European site

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

Appendix 3 – Water Framework Directive (WFD)

WFD Impact Assessment Stage 1: Screening			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála Ref. No.	ACP-501277-MN-26	Address	RB Coogans Hardware, Lakeview Business Park, Castleblayney, Co. Monaghan A75 A386
Description of project	Retention of a storage building and permission for a change of use from retail outlet to timber frame manufacturing facility and ancillary works		
Brief site description relevant to WFD screening	The site is primarily occupied by a large building, and it is surfaced in hardstanding. It is located on a zoned site at the edge of Castleblayney. The application largely involves a change of use of the site. Foul and surface water are to the public systems.		

			The closest waterbody, as per the publicly available www.catchments.ie website, is Lough Muckno approximately 350 metres to the west. The closest watercourse is the River Fane just over 500 metres to the northeast. The publicly available NPWS website map shows a drainage/ditch network to the north of the site.			
Proposed surface water details			Surface water is to discharge to the public system			
Proposed water supply source and available capacity			There is an existing connection to the public system			
Proposed wastewater treatment system (WWTS) and available capacity			There is an existing connection to the public system			
Other issues			None			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance	Water body name (code)	WFD status (2019-2024)	Risk of not achieving WFD status	Identified pressures on that waterbody	Pathway linkage to water feature

Groundwater waterbody		Underlying site	Louth (IEGBNI_NB_G_019)	Good	Not at risk	None	Drainage to groundwater
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
Construction Phase							
No.	Component	Waterbody receptor (EPA code)	Pathway	Potential for impact / what is the possible impact	Screening stage mitigation measure	Residual risk (Y/N)	Determination to proceed to Stage 2
1.	Groundwater waterbody	Louth (IEGBNI_NB_G_019)	Dissipation through ground	Construction activity	Relatively minor works involved mainly relating to limited pipeworks and an attenuation tank. No specific mitigation required.	No	Screened out. Proposed works are limited in scale.
Operational Phase							

1.	Groundwater waterbody	Louth (IEGBNI_NB_G_019)	Discharge to ground	Hydrocarbons from vehicles or machinery	The site is entirely covered in hardstanding. Any leakage would be collected by the surface water drainage system and would be collected in the interceptor prior to discharge to the attenuation tank.	No	Screened out. The development would improve upon the existing surface water regime and the site is connected to the public foul and surface water systems.
Decommissioning Phase							
N/A							