

Comhairle Chontae Mhuineacháin  
OIFIGÍ CONTAE,  
AN GLEANN,  
MUINEACHÁN.  
Guthán :047 - 30500



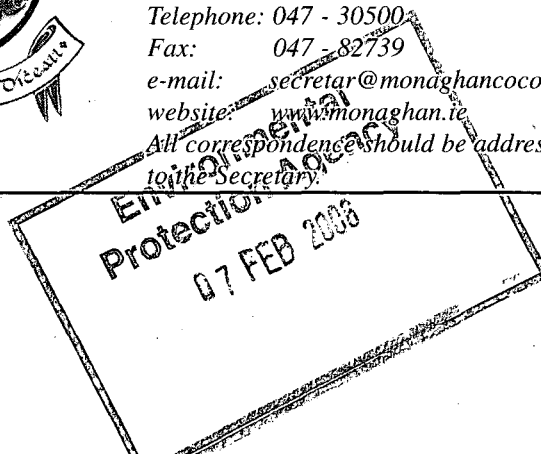
Monaghan County Council  
COUNTY OFFICES  
THE GLEN, MONAGHAN.

Telephone: 047 - 30500  
Fax: 047 - 82739  
e-mail: [secretar@monaghancoco.ie](mailto:secretar@monaghancoco.ie)  
website: [www.monaghan.ie](http://www.monaghan.ie)  
All correspondence should be addressed  
to the Secretary.

Seoltar comhfhreagrais go dtí  
an Rúnaí.

06/02/2006

TO: Environmental Protection Agency  
Avril Boland  
Licensing Unit  
PO Box 3000  
Johnstown Castle  
Co Wexford



Re: Local Government (Planning and Development) Acts, 1963 to 2000  
REF.NO: 03/446 - Monopower Ltd, Killycarran Co. Monaghan, .

Dear Sir/Madam,

I wish to inform you that by order dated **03 February 2006** Monaghan County Council decided to **REFUSE** permission to carry out development and site works consisting of Application for Biomass Combined Heat & Power Plant, at Killycarran. I attach copy of Council's decision.

If you are aggrieved by this decision you may appeal it within four weeks from the day of the decision by forwarding your grounds of appeal to The Secretary, **An Bord Pleanala**, 64 Marlborough Street, Dublin 1.

1. Appeals should be addressed to The Secretary, **An Bord Pleanala**, 64 Marlborough Street, Dublin 1. **An** appeal by the applicant should be accompanied by this form. **In the case of a third party appeal, the acknowledgement from the Planning Authority of receipt of the submission or observation made by the person to the Planning Authority at application stage should be submitted and the name of the person, particulars of the proposed development and the date of the decision of the Planning Authority should be stated.** The fee for a third party appeal is €10. The appeal must be fully complete, with your name and address, the subject matter of the appeal, the full grounds of appeal and supporting arguments and material, appropriate fee and evidence of payment of submission fee to the Planning Authority.
2. Submissions or observations to the Bord by or on behalf of a person (other than the applicant) as regards an appeal made by another person must be submitted within four weeks of receipt of appeal by **An Bord Pleanala** and accompanied by a fee of €0.

Yours faithfully,

Anne McElvaney  
ADMINISTRATIVE OFFICER

For more information on Appeals you can contact An Bord Pleanala at:-  
Tel. 01-8588100 or LoCall: 1890275 175  
Fax: 01-8722684 E-mail: [bord@pleanala.ie](mailto:bord@pleanala.ie) Web: [www.pleanala.ie](http://www.pleanala.ie)

P446/03 – Monopower Ltd., Killycarron, Emyvale, Co. Monaghan

1. Development of the kind proposed would be premature due to existing deficiencies in the road network serving the area of the proposed development, including considerations of capacity, width and alignment which render the network unsuitable to carry the increased road traffic likely to result from the development. While proposals for road improvements have been made in respect of this development, they still would not render the road network suitable for the traffic expected to be generated.
2. The proposed development would endanger public safety by reason of traffic hazard. It is considered that, notwithstanding the road improvements proposed by the developer, the nature of these improvements and the additional traffic generated by the development would interfere with the safety and free flow of traffic and would endanger public safety.
3. The Environmental Impact Statement for the development does not comply with the requirements of the Planning and Development Regulations 2001. The developer has not submitted adequate and sufficient information about the environmental effects of the proposed road improvements/ upgrading.
4. Having regard to section **256 and 257 of** the Planning and Development Act 2000, the resulting amendments to the Environmental Protection Agency Act and Waste Management Act and in particular Sections 98(1A) and 54(3A) of those Acts, the development would be prejudicial to public health. The developer has not demonstrated that the proposed development will achieve the national and EU emission limit standards which pertain to atmospheric emissions from the discharge stack.
5. Having regard to Sections **256 and 257 of** the Planning and Development Act **2000**, the resulting amendments to the Environmental Protection Agency Act and Waste Management Act and in particular Sections 98(1A) **and 54(3A) of those Acts, the development would seriously injure the** amenities of property in the vicinity. The developer has not clearly demonstrated in the environmental impact statement how water discharges from the development are to be mitigated, what the environmental affect of these discharges would be and how flooding would be prevented.

6. The Environmental Impact Statement for the development does not comply with the requirements of the Planning and Development Regulations 2001. The developer has not submitted adequate and sufficient information about the environmental effects of surface water discharges from the plant into the receiving waters and details of relevant mitigation measures.

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Notes (See Form/Check List overleaf)

1. Rules for Making Appeals

You are advised to check the latest version of “A Guide to Making a Planning Appeal” issued by the Board. It is available from the Board, telephone (01) 858 8100 and on our website [www.pleanala.ie](http://www.pleanala.ie). It may also be available from your planning authority. A significant number of appeals are invalid because they are not made in accordance with the statutory rules.

2. Appeal Fees

You are advised to check the appropriate fee for making an appeal. Different fees apply depending on the nature of the appeal. A leaflet “Guide to Fees payable to the Board” is available from the Board, telephone (01) 858 8100 and on our website [www.pleanala.ie](http://www.pleanala.ie). It may also be available from your planning authority. Note that appeal fees may change from time to time. A significant number of appeals are invalid either because no fee or an incorrect fee is included.

3. Time Limits

The time limit for making an appeal is, except where the appeal is made following a successful application for leave to appeal, four weeks beginning on the date of the planning authority decision (not the day it is sent or received). Day one is the day the planning authority decision is made. For example, if the decision of a planning authority is made on Wednesday 2<sup>nd</sup> of a month, the last day for receipt of the appeal is Tuesday 29<sup>th</sup> of the same month, NOT Wednesday 30<sup>th</sup>. There are special rules where the last day falls on a day the Board’s offices are closed or where the appeal period falls over the Christmas/New Year period. Check our leaflet for further information. A significant number of appeals are invalid because they are late – sometimes, just one day late.

4. Delivering the Appeal

- Send the appeal by post to *The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1,*
  - or,
  - deliver it by hand, to an employee of the Board (not a security person), during office hours (9.15 a.m. to 5.30 p.m.) on Monday to Friday,
- so that the appeal reaches the Board by the last day for making an appeal. Do **not** place the appeal in the Board’s letterbox. A significant number of appeals are invalid because they are incorrectly delivered.

5. Completeness

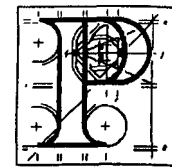
The appeal must be fully complete from the start. You are not permitted to submit any part of it at a later time, even within the time limit. Neither are you permitted to clarify, elaborate or make further submissions either for the purposes of complying with the rules for making an appeal or otherwise, unless invited by the Board.

*This document is issued as an aid to making a valid planning appeal to the Board. It may be used as a ‘cover page’ in making such an appeal but there is no legal or other requirement to do so. The document should be read in conjunction with the latest versions of the Board’s leaflets “Making a Planning Appeal under the 2000 Planning Act” and “Guide to Fees payable to the Board”. The guidance given in those leaflets and in this document also applies generally to the making of submissions and observations by ‘observers’ under section 130 of the 2000 Planning Act. A significant number of submissions and observations by ‘observers’ are also invalid because the appropriate rules are not observed.*

*This document does not purport to be a legal interpretation of the law in relation to making a planning appeal – you should consult the appropriate legislation, including sections 37 and 127 of the Planning and Development Act 2000 for the statutory rules governing the making of appeals (section 130 for ‘observers’).*

*An appeal or a submission or observation on an appeal that is not made strictly in accordance with the statutory rules will be invalid. The Board has no discretion to relax or vary the rules. The onus is on YOU to meet all the legal requirements at the time you make the appeal/submission/observation.*

14<sup>th</sup> February 2005



**Planning Appeal Form/Check List**  
**(Please read notes overleaf before completing)**

1. The appeal must be in writing (e.g. not made by electronic means).
2. State the -
  - name of the appellant \_\_\_\_\_  
{not care of agent}
  - address of the appellant \_\_\_\_\_  
(not care of agent)
3. If an agent is involved, state the -
  - name of the agent \_\_\_\_\_
  - address of the agent \_\_\_\_\_
4. State the Subject Matter of the Appeal\*
  - Brief description of the development \_\_\_\_\_  
\_\_\_\_\_
  - Location of the development \_\_\_\_\_  
\_\_\_\_\_
  - Name of planning authority \_\_\_\_\_
  - Planning authority register reference number \_\_\_\_\_

*\* Alternatively, enclose a copy of the decision of the planning authority as the statement of the Subject Matter of the Appeal.*
5. Attach, in full, the grounds of appeal and the reasons, considerations and arguments on which they are based.
6. Attach the acknowledgement by the planning authority of receipt of your submission or observations to that authority in respect of the planning application, the subject of this appeal. (Not applicable where the appellant is the applicant).
7. Fee of € \_\_\_\_\_ attached in respect of the appeal.
8. Fee of € \_\_\_\_\_ attached in respect of request for an oral hearing of the appeal, if a request is being made.
9. Ensure that the appeal is received by the Board in the correct manner and in time.

Signed \_\_\_\_\_ Date: \_\_\_\_\_

*A format similar to the above may also be used where a person is making submissions or observations on an appeal in accordance with section 130 of the Planning and Development Act 2000. Substitute 'observer' for 'appellant' and 'submission/observation' for 'appeal' at each reference. Items 6 and 8 above are not applicable to the making of submissions or observations. /Over.....*