

RW

PLANNING APPLICATION CONTROL FORM

Application Reference No. 07/993

Decision due by 12/07/2007

Previous Ref. Nos. 06. 1379

(See F.1) h/b attached

Date of Receipt of Application 18/05/2007

Applicant : John Erskine

Address: C/O Paraic fay C.L.W. Environmental Planners The Mews 23 Farnham St., Co. Cavan

Location of Development: Crosses, Monaghan

07/2173

Description : PERMISSION to decommission 8 No. existing pig houses, 4 No. existing pre-fabricated pig houses and ancillary structures and to construct 2 No. replacement pig houses (House 1 with a double apex roof, House No. 2 with A roof design) and 1 No. meal store with together with all ancillary structures and associated site works arising from the above development at Crosses, Monaghan, Co. Monaghan. House reference numbers correspond with house numbers shown on site layout plan submitted with this application. This application relates to a development, which is for the purposes of an activity requiring an Integrated Pollution Prevention and Control (I.P.P.C.) licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2004. An Environmental Impact Statement (E.I.S.) will be submitted with this planning application. This E.I.S. will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of Monaghan County Council

060

5

VALIDATION

Validated by: _____

Date of Validation: _____

Maps and Drawings remain the Copyright of the Originator

SITE NOTICE

Was Notice published on site

Yes

No

RW

WKM

Ronan a lovelace

10/7/07

Inspected by: _____

Date of Inspection: _____

Refer file for reports to:

Area Engineer

S.E.E. Roads

E.H.O.

S.E.E. Environment

S.E.E. Sanitary Services

S.E. Planner

See job 1379 P1.

Maps and Drawings remain
the Copyright of the Originator

PLANNING APPLICATION DECISION FORM

Planning Application
Reference No. 07993

Decision due by: _____

Reports received from:

Area Engineer _____

S.E.E. Roads _____

E.H.O. _____

S.E.E.Environment _____

S.E.E. Sanitary Services _____

Planning Officer _____

I recommend that planning permission be:

Granted, subject to the conditions
Outlined in the enclosed
Planning Officer's Report

Refused, for the reasons
outlined in the enclosed
Planning Officer's Report

Recommended by Senior Executive Planner: _____ **Date:** _____

Recommended by: _____ **Date:** _____

Director of Services

DECISION OF MONAGHAN COUNTY COUNCIL:

Approved with conditions
Recommended in

Refused

Planning Officer's Report 11/7/07

Other _____

Maps and Drawings remain

ADAMUS HUSKES
County Manager/Director of Services

12.07.07
Date

the Copyright of the Originator

MONAGHAN COUNTY COUNCIL

07/993

12/07/2007

TO: John Erskine
C/O Paraic fay
C.L.W. Environmental Planners
The Mews
23 Farnham St., Co. Cavan.

Re: Planning and Development Acts 2000 to 2006
NOTIFICATION OF DECISION

Monaghan County Council has by order dated 12/07/2007 decided to GRANT PERMISSION to the above named for development of land, in accordance with the documents submitted namely:- decommission 8 No. existing pig houses, 4 No. existing pre-fabricated pig houses and ancillary structures and to construct 2 No. replacement pig houses (House 1 with a double apex roof, House No. 2 with A roof design) and 1 No. meal store with together with all ancillary structures and associated site works arising from the above development at Crosses, Monaghan, Co. Monaghan. House reference numbers correspond with house numbers shown on site layout plan submitted with this application. This application relates to a development, which is for the purposes of an activity requiring an Integrated Pollution Prevention and Control (I.P.P.C.) licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2004. An Environmental Impact Statement (E.I.S.) will be submitted with this planning application. This E.I.S. will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of Monaghan County Council at Crosses,, Monaghan subject to the 5 condition(s) set out in the Schedule attached.

Signed on behalf of Monaghan County Council



ADMINISTRATIVE OFFICER

DATE

Provided there is no appeal against this DECISION a grant of planning permission will issue at the end of four weeks (see footnote).

THIS NOTICE IS NOT A GRANT OF PERMISSION AND WORK SHOULD NOT COMMENCE UNTIL PLANNING PERMISSION IS ISSUED.

NOTE:

1. Any appeal against a decision of a Planning Authority under Section 34 of the Act of 2000 may be made to An Bord Pleanala. The appeal period for the applicant and other persons will be four weeks from the day the Planning Authority makes its decision.
2. 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 an appeal by any other person, the name of the person, particulars of the proposed development and the date of the decision of the Planning Authority should be stated.

- (a) The fee for an appeal against a decision of a Planning Authority, on a planning application relating to a commercial development, made by the person who made the planning application is **€630**. Commercial Development means development for the purpose of any professional, commercial or industrial undertaking, development in connection with the provision for reward of services to persons or undertakings, or development consisting of the provision of two or more dwellings, but does not include development for the purposes of agriculture.
- (b) Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application is made, where the application relates to unauthorised development is **€1900**
- (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development, other than an appeal mentioned at (a) or (b) is **€630**.
- (d) Appeal other than appeal mentioned at (a), (b), (c), or (f) is **€210**.
- (e) Application for leave to appeal is **€105**.
- (f) Appeal following a grant of leave to appeal is **€105**.

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.

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.

1. Submissions or observations to the Board by or on behalf of a person (other than the applicant) as regards an appeal made by another person must be accompanied by a fee of **€50**.

For more information on Appeals you can contact An Bord Pleanála at:-

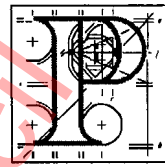
Tel. 01-8588100 or LoCall: 1890 275 175

Fax: 01-8722684

E-mail: bord@pleanala.ie

Web: www.pleanala.ie

Maps and Drawings remain
the Copyright of the Originator



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.

Maps and Drawings remain

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.....

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. 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. 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 2nd of a month, the last day for receipt of the appeal is Tuesday 29th of the same month, NOT Wednesday 30th. 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.

14th February 2005

P993/07 – John Erskine, Crosses, Monaghan

1. All open yard areas within the site shall be covered in a non-permeable surface with drainage channels incorporated into the yard area in order to prevent any soiled water or animal manure from draining into any water courses.
2. Roofing material shall be dark green, dark grey or dark blue in colour.
3. Prior to any use of the pig houses hereby granted a soil embankment measuring 1m high X 2m wide shall be constructed along the south-eastern and south-western boundaries and this embankment shall be planted in a double staggered row of native species trees planted at 3 metre centres. All plants to be a minimum height of 2 metres.
4. Animal numbers within this farm yard shall not increase above the animal numbers as stated on application forms submitted to the Planning Authority for consideration.
5. The development shall be carried out strictly in accordance with the plans and documents submitted on the 18th May 2007, except as may otherwise be required in order to comply with the above conditions.

THE REASONS FOR THE IMPOSITION OF THE ABOVE ARE:

1. In the interest of environmental protection.
2. In the interest of visual amenity..
3. In the interest of visual amenity.
4. In the interest of environmental protection.
5. To secure a satisfactory standard of development.

Maps and Drawings remain
the Copyright of the Originator

Comhairle Chontae Mhuineacháin
OIFIGÍ CONTAE,
AN GLEANN,
MUINEACHÁN.

Guthán : 047 - 30500

Seoltar comhfhreagrais go dtí
an Rúnaí.



Monaghan County Council
COUNTY OFFICES
THE GLEN, MONAGHAN.

Telephone: 047 - 30500

Fax: 047 - 82739

e-mail: secretar@monaghancoco.ie

website: www.monaghan.ie

All correspondence should be addressed
to the Secretary.

16/08/2007

To: John Erskine
C/O Paraic fay
C.L.W. Environmental Planners
The Mews
23 Farnham St., Co. Cavan

File Number - 07/993

Planning and Development Acts 2000 to 2006
NOTIFICATION OF FINAL GRANT

Monaghan County Council has by order dated 12/07/2007 granted PERMISSION to the above named, for the development of land namely:- decommission 8 No. existing pig houses, 4 No. existing pre-fabricated pig houses and ancillary structures and to construct 2 No. replacement pig houses (House 1 with a double apex roof, House No. 2 with A roof design) and 1 No. meal store with together with all ancillary structures and associated site works arising from the above development at Crosses, Monaghan, Co. Monaghan. House reference numbers correspond with house numbers shown on site layout plan submitted with this application. This application relates to a development, which is for the purposes of an activity requiring an Integrated Pollution Prevention and Control (I.P.P.C.) licence under part IV of the Environmental Protection Agency (Licensing) Regulations 1994 to 2004. An Environmental Impact Statement (E.I.S.) will be submitted with this planning application. This E.I.S. will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of Monaghan County Council, at Crosses,, Monaghan, , subject to the 5 condition(s) set out in the Schedule attached.

Signed on behalf of MONAGHAN COUNTY COUNCIL.


ADMINISTRATIVE OFFICER

16/8/07
DATE

Plans and Drawings remain
the Copyright of the Originator

P993/07 – John Erskine, Crosses, Monaghan

1. All open yard areas within the site shall be covered in a non-permeable surface with drainage channels incorporated into the yard area in order to prevent any soiled water or animal manure from draining into any water courses.
2. Roofing material shall be dark green, dark grey or dark blue in colour.
3. Prior to any use of the pig houses hereby granted a soil embankment measuring 1m high X 2m wide shall be constructed along the south-eastern and south-western boundaries and this embankment shall be planted in a double staggered row of native species trees planted at 3 metre centres. All plants to be a minimum height of 2 metres.
4. Animal numbers within this farm yard shall not increase above the animal numbers as stated on application forms submitted to the Planning Authority for consideration.
5. The development shall be carried out strictly in accordance with the plans and documents submitted on the 18th May 2007, except as may otherwise be required in order to comply with the above conditions.

THE REASONS FOR THE IMPOSITION OF THE ABOVE ARE:

1. In the interest of environmental protection.
2. In the interest of visual amenity..
3. In the interest of visual amenity.
4. In the interest of environmental protection.
5. To secure a satisfactory standard of development.

Maps and Drawings remain
the Copyright of the Originator

It should be noted that an outline permission is a permission subject to the subsequent approval of the Planning Authority and that until such approval has been obtained to detailed plans of the development proposed, the development is **NOT AUTHORISED.**

Copyright of Monaghan County Council

Maps and Drawings remain
the Copyright of the Originator

Barry Healy Company

SOLICITORS

"Laurel Lodge" · Hillside · Monaghan
Tel (047) 71556 Fax (047) 71557
Email info@healylaw.ie
D.X. 34 006 Monaghan

1768A/FF/BD

09 September 2008

Planning Department
Monaghan County Council
County Offices
The Glen
Monaghan

**Re : Our Clients: Jim and Mark Wright - Purchase From John Erskine
(JMW Farms)
Planning Permission Register Ref: 07/993**


Dear Sir,

We act on behalf of Jim and Mark Wright who are proposing to purchase property from Mr John Erskine in the basis of planning permission attaching to the property pursuant to the above planning register reference.

This planning permission refers to the construction of pig houses and at special condition number 4 thereof states that animal numbers within the farm yard shall not increase above the animal numbers stated in the application form. We therefore would be much obliged if you would please furnish us with a copy of same so that we can establish the animal numbers authorised.

Many thanks for your assistance herein.

Yours faithfully


Barry Healy & Company
Solicitors

Attach to file & refer to
Ben
Reza for response
BA

PARTNERS
Barry Healy
B.A. Solicitor
barry@healylaw.ie

Emer Holohan
B.C.L. Solicitor
emer@healylaw.ie

ASSOCIATES
Fionnuala Finn
L.L.B. Solicitor
fionnuala@healylaw.ie

DUBLIN AGENT
T.D. Owens

Maps and Drawings remain
the Copyright of the Originator

Friday, 12 September 2008


Barry Healy & Company Solicitors,
"Laurel Lodge"
Hillside,
Monaghan.

Re: Planning Permission Ref: 07/993 – John Erskine

A Chara,

I acknowledge receipt of your letter dated 9 September 2008, and enclose a copy of page 2 of the Planning Application Form and I refer you to part 19 of same.

Mise le meas,


Bernadette Hughes
A/Administrative Officer

Enc.

Maps and Drawings remain
the Copyright of the Originator

MONAGHAN COUNTY COUNCIL

PLANNING SECTION

Section 74 (4) of the Copyright and Related Rights Act 2000

I Sean McLaughlin of ABC & ASS (address)
acting on behalf of ABC & ASS declare under the terms of
the above mentioned Act, that the material given to me in relation to Planning Ref.
No. C7/993 is required for the sole purpose of enabling the material to
be inspected at another time or place or otherwise facilitate the exercise of the right
of public inspection.

Signed Sean McLaughlin
Date 30/09/09
Staff ED. Mr.

Maps and Drawings remain
the Copyright of the Originator