



An
Bord
Pleanála

Board Direction

PL25M.246443

The submissions on this file and the Inspector's report were considered at a Board meeting held on August 5th 2016.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

REASONS AND CONSIDERATIONS

Having regard to the policies and provisions of the Westmeath County Development Plan 2014-2020 and of the Mullingar Local Area Plan 2014-2020, particularly the 'Enterprise and Employment and related uses' zoning objective for the site, to the provisions of the Eastern-Midlands Region Waste Management Plan 2015-2021, to the location of the site in an established business/industrial area which is accessible to the national road network and having regard to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the subject site would be a suitable location for a waste transfer and recovery facility, and the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not be prejudicial to public health and would not create an unacceptable risk of water pollution. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the planning authority on the 7th day of August 2015, as amended by the further plans and particulars received by the planning authority on the 8th day of February 2016, 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. Details of the external storage bays proposed on site and of the boundary treatment along the perimeter of the site shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

Reason: In order to allow the planning authority to assess the impact of these matters on the visual amenity of the area.

3. The proposed development shall be limited to the handling of 24,900 tonnes of waste or recyclable materials annually on this site, which limit shall not be exceeded without a prior grant of planning permission.

Reason: To define the scope of the permission and to ensure that any changes will be assessed through the statutory planning process.

4.
 - a) All yard areas (including parking and turning areas) within the site shall have an impermeable concrete surface. Areas of the yard which are already concrete surfaced shall be made good/replaced as appropriate.
 - b) Prior to first operation of the facility, all parking and turning areas and other road markings shall be fully delineated.
 - c) The commercial weighbridge shall be installed prior to first operation of the facility.

Reason: In the interest of orderly development.

5. All drainage arrangements, including the attenuation and disposal of surface water, shall be in accordance with the detailed requirements of the planning authority.

Reason: To prevent water pollution.

6. Prior to commencement of development, details of boundary treatment, which shall consist of walls/fencing, along the site perimeters shall be submitted to, and agreed in writing with, the planning authority. The agreed walls/fencing shall be erected prior to first operation of the facility.

Reason: In the interest of orderly development.

7. Prior to commencement of first operation of the facility, the developer shall submit a proposal for an Environmental Management System (EMS) for the facility to the planning authority, which shall include measures to minimise emissions from the facility and shall include a monitoring programme for litter, dust, noise and surface water quality, and shall comply with any requirements imposed by the authority in relation to such proposal, except where such measures conflict with the requirements of an Waste Facility Permit for the facility, in which case such requirements shall take precedence.

Reason: In the interest of environmental protection.

8. The noise level shall not exceed 55 dB(A) sound level (corrected sound level for a tonal or impulsive component) at the nearest noise sensitive receptor between 0800 and 1800 hours, Monday to Friday inclusive, between 0800 and 1400 hours on Saturday and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the amenities of property in the vicinity of the site.

9. The hours of operation shall be as follows, unless otherwise agreed in writing with the planning authority:
- a) Between 0800 hours and 1900 hours, Monday to Friday.
 - b) Between 0800 hours and 1400 hours on Saturdays.
 - c) The proposed development shall not operate on Sundays or on public holidays.

Reason: In the interest of the amenities of the area.

10. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than 1:500 showing –
 - (i) the species, variety, number, size and locations of all proposed trees and shrubs (which shall comprise predominantly native species).
 - (ii) details of screen planting.
 - (iii) details of roadside planting.

- (iv) hard landscaping works, specifying surfacing materials and finished levels.

(b) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: To protect the amenities of property in the vicinity of the site.

11. Prior to commencement of operation of the facility, the developer shall submit to, and agree in writing with, the planning authority, a detailed waste management plan for the construction phase of the development. The plan shall maximise the re-use and recovery of waste and minimise the amount of waste consigned to landfill, and shall be prepared in accordance with “Best practice guidelines on the preparation of waste management plans for construction and demolition projects” published by the Department of Environment, Heritage and Local Government in July 2006.

Reason: In the interest of orderly development and environment protection.

12. 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 the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

13. The developer shall pay to the planning authority a financial contribution in respect of Clonmore Link Road and Robinstown Link Road, in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Bord 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Note 1. In coming to its decision, the Board concurred with the Inspector's report in relation to the nature of the proposed development, as being a facility for waste transfer and recovery, and not a waste disposal facility. The Board therefore agreed with the Inspector that the proposed development was not a prescribed class of development for the purposes of Section 176 of the Act, and accordingly that an EIS is not required.

Note 2. The Board agreed with the comments of the Inspector in relation to issues of Legal Interest/Ownership (section 9.9 of the Inspector's report). The decision letter should include a reminder to the provisions of Section 34(13) of the Act.

[Please issue a copy of this Direction with the Board Order]

Board Member: _____
Philip Jones

Date: 10th August 2016