



An
Bord
Pleanála

Board Direction
BD-008078-21
ABP-309112-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/05/2021.

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 nature of the development for which retention is sought which accords with government policy to promote renewable energy use, as set out in plans and policies at national, regional and local level, to the pattern of development in the area and to the scale of the operation to be retained, it is considered that , subject to the following conditions, that the development for which retention is sought would not seriously injure the amenities of the area, or unduly impact on nature conservation in the area or on the use of the adjoining local road by other users, and 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 application as amended by the further plans and particulars submitted on the 18 day of November 2020, except as may otherwise be required in order to comply with the following
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	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This facility shall only be used between 07.00 hours and 19.00 hours on Mondays to Fridays inclusive, and only between 08.00 hours and 14.00 hours on Saturdays. It shall not operate on Sundays or public holidays.</p> <p>Reason: In the interest of amenity.</p>
3.	<p>The applicant shall ensure that activities at the site shall not give rise to noise levels beyond the site boundary site which exceed 55dB Leq:30 minutes.</p> <p>In addition, noise levels measured at noise sensitive locations in the vicinity of the site shall not exceed a level of 10dB(A) above the existing noise levels.</p> <p>Noise measurements shall be carried and assessed in accordance with Environmental Protection Agency Guidance Note for Noise: Licence Applications, Surveys and Assessments in relation to Scheduled Activities (NG4), at any time at the request of Westmeath County Council (WCC). Noise sensitive locations shall be agreed in writing with the planning authority prior to the carrying out of noise measurements.</p> <p>Reason: In the interest of amenity.</p>
4.	<p>Dust deposition from the works at the site boundary shall not exceed 350mg/sq.m/day (based on a 30-day composite sample) as measured</p>

	<p>using the Bergerhoff Gauge method or 130mg/sq.m/day measured on a Frisbee type dust gauge. Dust monitoring shall be submitted to the planning authority on request.</p> <p>Reason: In the interest of amenity.</p>
5.	<p>The developer shall comply with the requirement of the planning authority in relation to the storage of fuel and oil on the site, including the provision of an oil/fuel "Spill Kit" or similar. Such measures shall be subject to the written agreement of the planning authority within three months of the date of this Order.</p> <p>Reason: In order to protect waters.</p>
6.	<p>a) No contaminated surface water shall be discharged to any surface water drainage system.</p> <p>b) The developer shall carry out grab sampling annually, downstream of the facility, to test for the parameters required by the planning authority and the results shall be submitted to the planning authority.</p> <p>Reason: In order to protect waters.</p>
7.	<p>This permission is for a period up to 31st December 2030. The use of the facility shall cease at that date unless its continued use is permitted by a future planning permission.</p> <p>Reason: In the interest of clarity.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and</p>

	<p>Development Act 2000 in respect of road restoration works on the L-1113 at the entrance due to the associated HGV turning movements. The amount of the contribution 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 for determination. The contribution shall be paid within three months of the date of this Order or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
9.	<p>The developer shall pay to the planning authority, an annual contribution for the duration of use, as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of road maintenance on the L-1113 due to the use of this road by the associated HGV traffic. The amount of the contribution shall be agreed between the planning authority and the developer within three months of the date of this Order, or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p>

	<p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
10.	<p>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 within three months of the date of this Order 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.</p> <p>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.</p>

Board Member

Terry Prendergast

Date: 04/05/2021

Terry Prendergast

Note: The Board did not consider it appropriate, given the nature and extent of the use and the pattern of development in the area to include a condition, as recommended by the Inspector, to restrict chipping operations such that they could not occur within 500m of an inhabited dwelling.

Please issue Direction with Order.