

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Westmeath County

Planning Register Reference Number: 15/6153

An Bord Pleanála Reference Number: PL 25M.246443

APPEAL by Martin Lynch of CL Skips, Zone C, Mullingar Business Park, Mullingar, County Westmeath against the decision made on the 16th day of March, 2016 by Westmeath County Council to grant subject to conditions a permission to Athcast Limited care of ORS of ORS Building, Marlinstown Office Park, Mullingar, County Westmeath in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Waste transfer and recovery facility comprising storage building, office, staff facility, weighbridge, parking spaces and all associated site works and services at Sites 14 and 15, Zone B, Mullingar Business Park, Mullingar, County Westmeath. This development also requires a Waste Facility Permit under Regulations 2007 (S.I. 821 of 2007 and S.I. 86 of 2008). (As amended by the revised public notice received by the planning authority on the 25th day of February, 2016 as follows: revised plans include changes to the boundary wall, entrance to site, car parking and storage).

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the policies and provisions of the Westmeath County Development Plan 2014-2020 and 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 application, 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 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 a 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, and
 - (d) the proposed facility 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, and
 - (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 agreed 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 the 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 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 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.