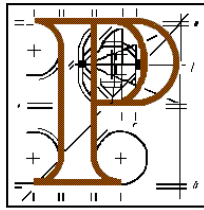


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Westmeath County

Planning Register Reference Number: 16/6002

An Bord Pleanála Reference Number: PL 25M.247256

APPEAL by KMK Metals Recycling Limited care of McCarthy Keville O'Sullivan Limited of Block 1, G.F.S.C., Moneenageisha Road, Galway in relation to the application by Westmeath County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 7 of its decision made on the 18th day of August, 2016.

PROPOSED DEVELOPMENT: Change of use of an existing building from light industrial use to the recycling of metal and waste electrical and electronic equipment (WEEE). Permission is also sought for an external weighbridge, external air handling unit, two number external covered storage bays and an external container tilting machine to the west of the existing building, retention of the existing building as constructed including the provision of an external plant room to the rear of the building and the provision of a boundary fence along the eastern boundary of the site, all at Moate Road, Kilbeggan, County Westmeath. The proposed development was revised by further public notices received by the planning authority on the 28th day of July, 2016.

The development proposed under this planning application is for the purposes of an activity requiring an Environmental Protection Agency Waste Licence (now referred to as an IED Licence as per EU Directive 2010/75/EU).

DECISION

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had been properly applied in respect of condition number 7 and directs the said Council to AMEND the said condition number 7 so that it shall be as follows for the reason stated.

7. The developer shall pay to the planning authority a financial contribution of €26,122 (twenty six thousand, one hundred and twenty two euro) 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. The application of any indexation required by this condition 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.

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.

REASONS AND CONSIDERATIONS

Having regard to the planning history and to the previous financial contributions paid in respect of the building, to the nature of the development now proposed, which constitutes the change of use of an existing building and the retention for an external plant room, to the Westmeath County Council Development Contribution Scheme 2013-2020, particularly Section 7 (xix) and Section 7 (xviii), it is considered that the appropriate contribution applicable in this case is €26,122 based on €2,203 for the retention element of the existing development and €23,919 (€28,236 less €4,317) for the proposed change of use element.

