



Planning and Development Acts 2000 to 2019

Planning Authority: Meath County Council

Planning Register Reference Number: TA/190131

APPEAL by OMD Recycling Limited care of Sean Lucy and Associates Limited of 23E Lough Sheever Corporate Park, Mullingar, County Westmeath against the decision made on the 3rd day of April, 2019 by Meath County Council to grant subject to conditions a permission.

Proposed Development: Planning permission for the continuation of operation of the application site as a waste recycling facility granted permission under planning register reference number TA/900637 along with all associated works, and for the retention of as-constructed materials storage shed and waste recycling facility building on a site at Ballynaskea, Rathcore, Enfield, County Meath.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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:

- (a) the terms of planning permission granted under planning register reference number TA/900637, which was for a waste recycling facility whereby it was proposed that the maximum annual intake would be 20,000 tonnes of waste, the continuation of operation of which is proposed as part of the present application;
- (b) the fact that this planning permission expired on the 25th day of June, 2019, and that, accordingly, the continuation of operation of the waste recycling facility would involve the retention of a development for which no planning permission now exists;
- (c) the fact that the current application includes for the retention of an as-constructed materials storage shed and a waste recycling facility building, both of which are described in the present application as unauthorised and are stated to be fundamental to the operation of the site;

- (d) the provisions of Class 11(b) of Part 2 of the Fifth Schedule to the Planning and Development Regulations, 2001, as amended, whereby the threshold for mandatory Environmental Impact Assessment for installations for the disposal of waste is an annual intake of 25,000 tonnes; and
- (e) the documentation submitted with the application and appeal,

it is considered that a determination as to whether an environmental impact assessment would have been required if an application for permission had been made in respect of the development concerned prior to the carrying out of the subject development, is required.

Accordingly, having regard to the provisions of Section 34 (12) of the Planning and Development Act, 2000, as amended, and as the development, the subject of the current application is for, inter alia, retention of unauthorised development, the Board is precluded from granting a permission in this instance, as to do so would frustrate the requirements of the Environmental Impact Assessment Directive.

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

Dated this day of 2019