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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 20/935**

**Appeal** by Starrus Eco Holdings Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in relation to the application by Wicklow County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 2 of its decision made on the 31<sup>st</sup> day of May, 2021.

**Proposed Development:** Erection of three separate extensions to an existing permitted materials recovery facility and all other associated site development works above and below ground. The extensions are to the western, southern and eastern elevations. The western extension has a gross floor area of circa 1,826 square metres and was constructed to enclose and weather protect plant associated with the permitted materials recovery facility. This extension also encloses the permitted wood shredding activity on site. The maximum height of the western extension is circa 10.25 metres. The southern extension has a gross floor area of circa 194 square metres and was constructed to enclose and weather protect the loading of vehicles. The maximum height of the southern extension is circa 10.25 metres. The eastern extension has a gross floor area of circa 496.7 square metres and was constructed to enclose and weather protect plant associated with the

permitted materials recovery facility. The maximum height of the eastern extension is circa eight metres. The development relates to a waste material recovery site which is operated under a Waste Licence granted by the Environmental Protection Agency on a site of circa 1.03 hectares at the Existing Materials Recovery Facility, Fassaroe, Bray, County Wicklow.

## **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 not been properly applied in respect of condition number 2 and directs the said Council to REMOVE condition number 2 and the reason therefor.**

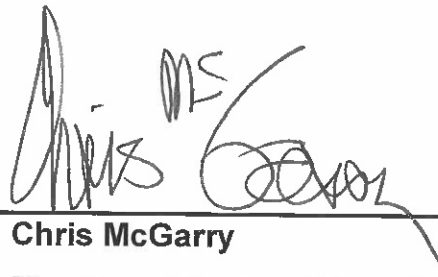
## **Reasons and Considerations**

Having regard to the documentation submitted with the appeal and to the relevant provisions of the current Wicklow County Council Development Contribution Scheme, specifically Section 4.10 which states that there will be no double charging and that credit will be given for previously paid development contributions or for previously authorised use or existing floor areas, it is considered that the terms of the Contribution Scheme have been incorrectly applied in this instance.

In deciding not to accept the recommendation of the Inspector to attach condition number 2 the Board considered the totality of the documentation submitted with the appeal and determined that Section 4.10 of the current development contribution scheme was applicable in this case.

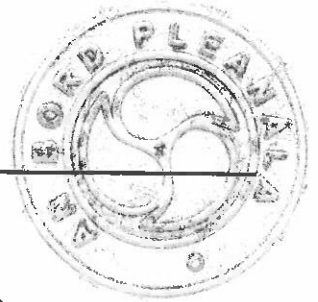
## Matters Considered

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.



**Chris McGarry**

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



Dated this 9<sup>th</sup> day of March 2022