



An
Bord
Pleanála

Board Order
ABP-315050-22

Planning and Development Acts 2000 to 2022

Planning Authority: Westmeath County Council

Planning Register Reference Number: 22/42

Appeal by Lagan Materials Limited care of J Sheils Planning and Environmental Limited of 31 Athlumney Castle, Navan, County Meath 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 12th day of October, 2022.

Proposed Development: The continued use and operation of the existing quarry (permitted under planning authority reference 01/525), including deepening of the quarry, along with minor amendments to the permitted quarry layout comprising an extraction area of circa 4 hectares within an overall application area of circa 11.4 hectares. The development will include provision of new site infrastructure, including water management system, wheel wash and other ancillaries at Deerpark, Castlepollard, County Westmeath.



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 7 and directs the said Council to REMOVE condition number 7 and the reasons therefor.

Reasons and Considerations

Having regard to the provisions of the Westmeath Development Contribution Scheme 2022, section 48(12) of the Planning and Development Act, 2000, as amended and relevant Guidelines, the Board considered that the terms of the Scheme have not been properly applied in respect of condition number 7 for the following reasons:

- (a) In calculating the financial sum of €21,750 (twenty one thousand and seven hundred and fifty euro) to be paid annually as a Special Development Contribution, the planning authority failed to specify the specific exceptional costs to be incurred by the local authority in respect of the proposed development.
- (b) In calculating the sum of the Special Contribution Payable, the planning authority has failed to state when the works would be commenced or completed, the location of said works, and the amount appropriate to the proposed development.



Therefore, 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 above that the terms of the Development Contribution Scheme had not been properly applied in respect of condition number 7 and directs the said Council to remove the condition.



Mary Henchy

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

Dated this 6th day of February 2024.