

An  
Coimisiún  
Pleanála

**Commission Order**  
**ACP-323724-25**

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**Planning and Development Act 2000, as amended**

**Planning Authority: Westmeath County Council**

**Planning Register Reference Number: 2560343**

**Appeal** by Brian Harton against the decision made on the 29<sup>th</sup> day of August, 2025 by Westmeath County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The reinstatement of worked out quarry. The development will consist of the importation of inert soil and stone of approximately 45,000 cubic metres within an area of circa 1.79 hectares over a five-year period and includes all ancillary site works and services including installation of a temporary weighbridge at Williamstown, Finnea, County Westmeath Westmeath.

## **Decision**

**The Commission, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, directs the said Council to AMEND condition number 10 so that it shall be as follows and ATTACH condition 11:**

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination.

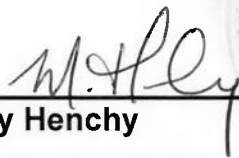
**Reason:** In the interest of traffic safety and the proper planning and sustainable development of the area.

## Reasons and Considerations

Regarding condition number 10, the Commission considered the totality of the appeal documentation, the relevant legislation and the Westmeath Development Contribution Scheme 2022. The Commission noted that the reason for the condition was to contribute to the repair of the public road should the development result in localised damage. The Commission noted that such repair works are not provided for in the current Westmeath Development Contribution Scheme. The Commission considered it reasonable that the developer should contribute to such costs should they arise and that there is precedence that the developer be required to provide security to the planning authority for the reinstatement of the public road for such types of development. Therefore, the Commission decided that Condition 10 is a relevant planning matter, but that Condition 10 should be amended to provide options on how security is provided for the repair of the road.

With respect to condition 11, the planning authority correctly applied the development contribution scheme having regard to, Note 3 below Table 2, Level of Contribution for Other Categories of Development, of the Westmeath Development Contribution Scheme 2022. The Commission did not consider the proposed development was for a temporary permission and therefore the reductions provided for in Section 7.13 of the Scheme do not apply.

In deciding not to accept the Inspectors recommendation the Commission did not concur with the Inspector that this is a temporary permission as the proposed development is not temporary in nature. Neither did the Commission concur with the Inspector that the cost of repair to the public road, as a result of the proposed development (should localised damage occur), is 'improvements to existing roads' as provided for in the Scheme. Therefore, the repair work is not covered by the current Westmeath Development Contribution Scheme.



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**Mary Henchy**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this 28<sup>th</sup> day of April 2026