



An
Coimisiún
Pleanála

Inspector's Report

ACP-323724-25

Development	Reinstatement of former quarry to agricultural use over 5 years, with ancillary and associated site works.
Location	Williamstown, Finnea, Westmeath.
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	2560343
Applicant(s)	Brian Horton
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	First Party
Appellant(s)	Brian Horton
Observer(s)	None
Date of Site Inspection	10/4/26
Inspector	Ronan Murphy

1.0 Site Location and Description

1.1. This is a first party appeal against financial contribution conditions which were attached to the Planning Authority's notification of decision to grant permission. As this is an appeal in respect of conditions requiring a financial contribution, the provisions of section 48 of the Planning and Development Act 2000 apply, and the Coimisiún is restricted to considering this matter alone and cannot consider the matter de novo. I have therefore confined my assessment to the conditions in question.

2.0 Proposed Development

2.1. The proposed development comprises of the reinstatement of worked out quarry at Williamstown, Finnea, Co. Westmeath.

2.2. 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.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 By order dated 29/8/25 Westmeath County Council decided to grant planning permission for the proposed development, subject to 11 conditions. The conditions which are relevant to this appeal are Condition No's 10 and 11 which state the following:

10. The Planning Authority is of the view that the construction of this development may lead to localised damage to the Local Primary Road (I1770) serving the development. The applicant is required to contribute to the cost of repairing this damage and shall pay an annual levy of €16,687 towards the cost which will be incurred to maintain the upkeep of the L1770 necessitated by the traffic generated from the quarry.

Reason: *It is considered reasonable that the developer should contribute to the repair of public infrastructure as a result of the proposed development.*

11 Prior to the commencement of development, the developer shall pay the sum of €31,061.51 (Thirty-One Thousand, Sixty-One Euro and Fifty-One cents only) to the Planning Authority as a contribution, in accordance with Westmeath County Council's Section 48 Development Contribution Scheme 2022 (DCS), indexed linked as of January 2025. The, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority, and that is provided or that is intended will be provided by, or on behalf of, the Council. The contribution payable will be based on the contribution rate applicable at the time of payment and is subject to annual revision with reference to the Wholesale Price Index (Building and Construction), and interest for late payment, in accordance with the terms of the Council's Development Contribution Scheme.

<i>Class 7 – Waste Facility</i>	<i>€1,735.28 per 0.1 hectare</i>	<i>Total</i>
<i>Site Area - 1.79ha</i>	<i>€1,735.28 x 1.79ha</i>	<i>€31,061.51</i>
<i>Total</i>		<i>€31,061.51</i>

Reason: It is considered reasonable that the developer should contribute towards the expenditure incurred or proposed to be incurred by Westmeath County Council in respect of the provision/improvement of public services/infrastructure benefiting development in the area of the Planning Authority.

3.2. Planning Authority Reports

Planning Reports

- 3.2.1 There is one planning report on file dated 25/8/25. The area planners report states that There are no in principle objections to the reinstatement of the worked-out quarry to agricultural use, subject to compliance with development management and environmental policies.
- 3.2.2 In addition to this, it is stated that having regard to the nature and scale of the proposed restoration, it is considered that the development would not result in a significant adverse impact on the character, appearance, or visual amenities of the site or the wider receiving environment.

3.2.3 With respect to EIA, it is stated that the proposal does not fall within the list of activities requiring mandatory EIA as set out in Annex 1 of the EIA Directive and Parts 1 of the Planning and Development Regulations 2001, as amended. In addition, this proposed development has been considered under the relevant list of activities which warrant discretionary consideration for the requirement of an EIA and the proposed development does not exceed any of the thresholds listed in Annex II of the EIA Directive and Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended. It is noted that the application material includes an Environmental Impact Assessment Screening Report which outlines that it may be concluded that the proposed development site can therefore accommodate the development without significant impact and a detailed EIAR is not required.' The Planning Authority concurred with these conclusions.

3.2.4 With regard to Appropriate Assessment the Planning Authority notes that an Appropriate Assessment Screening Report accompanies the application. The Screening Report states that "having regard to the location, nature, and scale of the development, it is considered that there is no potential for significant effects either from the works on its own or in combination with other plans and projects. "The Environment Department have reviewed the proposed development and concur with the above conclusion.

3.2.5 Finally, it was noted that development contributions will be levied in accordance with the Development Contribution Scheme 2022 (DCS). The proposed development will be levied according to the current DCS index linked as of 1st January 2025.

3.2.6 Other Technical Reports

- **Chief Fire Officer:** Report dated 21/7/25 stating that no fire safety certificate required.
- **District Engineer:** Report dated 12/8/25 which outlines No objection subject to conditions.
- **Environment Section:** Report dated 13/8/25 outlining no objection subject to conditions.

3.3 Prescribed Bodies

Health and Safety Authority: Response dated 28/7/25 outlining no observations as the proposal is outside the scope of Regulations associated with the HSA.

Department of Housing, Local Government and Heritage: Response dated 11/8/25 outlining no objection, subject to conditions.

3.4 Third Party Observations

3.4.1 No public submissions were received during the consultation period.

4 Planning History

Subject site

Reg. Ref.S5-47-24: Section 5 application to determine as to whether the proposed levelling of approximately 1.6 hectares of excavated quarry using inert soil and stone for the improvement of lands for agricultural purposes, at Williamstown, Finnea, Co Westmeath is or is not Exempted Development. It was found to constitute development.

Reg. Ref. 11-2036: Application for the development of a sand and gravel pit and all appurtenant services. Permission granted, subject to conditions. Conditions of relevance include:

2. Prior to the commencement of development or as otherwise agreed in writing with the Planning Authority, the developer shall pay the sum of €5,000 (Five Thousand Euro), as set out below, to the Planning Authority as a contribution, in accordance with the Council's Development Contribution Scheme adopted in 2012, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority, and that is provided or that it is intended will be provided by, or on behalf of, the Council.

The contribution payable will be based on the contribution rate applicable at the time of payment and not the rate in existence when permission is granted. The amount of

the development contribution will be updated annually on the 1st January in accordance with changes in the Wholesale Price Index (Building and Construction), (Capital Goods) and penalty interest for late payment, in accordance with the terms of the Council's Development Contribution Scheme: -

Category of Contribution	Amount of contribution
<p><i>a) (i) the winning and working of minerals</i></p> <p><i>€900 x 1.91ha = €1,719</i> <i>Minimum charge of €5,000 applies in this instance</i></p>	<p><i>€900 per 0.1 hectare of site area subject to a minimum charge of €5,000.</i></p>
Total	€5,000

Reason: it is considered reasonable that the developer should contribute towards the expenditure incurred or proposed to be incurred by Westmeath County Council in respect of the provision/improvement of public services/infrastructure benefiting development in the area of the Planning Authority.

13. The planning authority is of the view that the construction of this development may lead to localised damage to the haul roads serving the development. The applicant is required to contribute to the cost of repairing this damage and a Special Contribution, in accordance with Section 48 of the Planning and Development Act 2000 of €6,333.33 annually, which shall be indexed linked.

Reason: *It is considered reasonable that the developer should contribute to the repair of public infrastructure as a result of the proposed development*

5 Policy Context

- 5.1 Section 48 of the Planning and Development Act 2000, as amended provides as follows: 48.—(1) A planning authority may, when granting a permission under section 34, include conditions for requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority and that is provided, or that it is intended will be provided, by or on behalf of a local authority (regardless of other sources of funding for the infrastructure and facilities).

(2) (a) Subject to paragraph (c), the basis for the determination of a contribution under subsection (1) shall be set out in a development contribution scheme made under this section, and a planning authority may make one or more schemes in respect of different parts of its functional area. (b) A scheme may make provision for payment of different contributions in respect of different classes or descriptions of development. (c) A planning authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.

(3) (a) A scheme shall state the basis for determining the contributions to be paid in respect of public infrastructure and facilities, in accordance with the terms of the scheme.

(b) In stating the basis for determining the contributions in accordance with paragraph (a), the scheme shall indicate the contribution to be paid in respect of the different classes of public infrastructure and facilities which are provided or to be provided by any local authority and the planning authority shall have regard to the actual estimated cost of providing the classes of public infrastructure and facilities, except that any benefit which accrues in respect of existing development may not be included in any such determination.

(c) A scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme.

Section 48(10) provides:

(10) (a) Subject to paragraph (b), no appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with a scheme made under this section.

(b) An appeal may be brought to the Board where an applicant for permission under section 34 considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.

(c) Notwithstanding section 34(11), where an appeal is brought in accordance with paragraph (b), and no other appeal of the decision of a planning authority is brought by any other person under section 37, the authority shall make the grant of permission as soon as may be after the expiration of the period for the taking of an appeal.

provided that the person who takes the appeal in accordance with paragraph (b) furnishes to the planning authority security for payment of the full amount of the contribution as specified in the condition.

Section 48 (12)(a) provides:

Where payment of a special contribution is required in accordance with subsection (2)(c), the following provisions shall apply—

(a) the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates.

5.2 Westmeath Development Contribution Scheme 2022

5.2.1 The operative Development Contributions Scheme is the Westmeath Development Contribution Scheme 2022 (Rates adjusted to account for indexation and apply from 1st January 2026) under Section 48, Planning & Development Act, 2000 as amended) provides for the following:

5.2.2 Section 2.2 Special Development Contributions states that a Planning Authority may, in addition to the terms of a General Development Contribution Scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a Scheme are incurred by the Local Authority in respect of public infrastructure and facilities which directly benefit the proposed development.

5.2.3 Section 7.13 of the states that 'developments permitted by way of a temporary permission or cumulative temporary permissions shall be liable to pay development contributions as follows:

- i. Up to 3 years: 33% of normal rate
- ii. Up to 5 years: 50% of normal rate
- iii. Up to 10 years: 66% of normal rate
- iv. Full rates where permission or combination of permissions exceed 10 years (less any previous payments under reductions set out at i-iii above)

5.2.4 Appendix 1 sets out expected expenditure over the plan period for various uses within the County.

5.4 Natural Heritage Designations

5.4.1 Not relevant

6 EIA Screening

6.1 Not relevant

7 The Appeal

7.2 Grounds of Appeal

7.2.1 A first party appeal has been received from Coyle Environmental Limited on behalf of Brian Harton. The appeal can be summarised as follows:

- The applicant welcomes the decision of Westmeath County Council in respect of the principle of the proposed development but considers that the levying of special development contributions is not warranted.
- The annual contribution of €16,687 equating to €83,435 over five years would render the development totally uneconomic having regard to its very limited extent and as such being the case would render the Development Contributions Scheme unreasonable and irrational on that basis.
- The proposed development is not a quarry, but a reinstatement of a quarry for further use as a farmland. The quarrying activity was permitted (PL.112036), and relevant contributions were conditioned and paid by the applicant.
- This is an appeal under Section 48(10) (b) of the Planning and Development Act 2000, as amended on the basis that '*the terms of the scheme have not been properly applied*'.
- In calculating the sum of €16,687 to be paid annually by the developer to cover the cost of any damage to the L1770, the Planning Authority failed to state when the works would be commenced or completed. This condition also fails to comply with the guidance in Section 7.12 of the Development Management Guidelines (2007) as neither the condition nor Notification of Decision explain the basis for the calculation for the special levy of €16,687. The wording of the condition simply refers to 'may lead to localised damage.'

- The Planners Report prepared by Westmeath also includes a recommendation in Condition 11 that a development contribution be paid by the developer. The amount is calculated as per the Development Contributions Scheme adopted by Westmeath County Council. The appropriate rate is set out as €1,735.28 per 0.1 hectare, the equates to €31,061.51.
- This fee is calculated as Class 7-Waste Facility, however, there is no waste being used in any backfilling activities proposed to take place on site. It is a by-product under Article 27 of the European Communities (Waste Directive) Regulations 2011 (S.I. No. 126 of 2011) meaning that the material does not become waste. Keeping materials in use is one of the fundamental elements of a circular economy and enables useful soil and stone materials from one site to be potentially reused for repopulating of land. The Planning and Development Act does not refer to by-products, and it is a separate regime.
- Query as to whether the application of a special development contribution in this instance meets the requisite criteria set out in Section 48 (2) (c) of the Planning and Development Act 2000 (as amended)
- The Local Authority has taken the view that 'specific exceptional costs not covered by the scheme' will be incurred as a result of the proposed development.
- The wording of Condition 11 indicates that specifically the maintenance of the public road infrastructure is the basis on which a special development contribution is being sought. Road maintenance costs borne by the Local Authority would be an integral part of the standard development contribution methodology for the reinstatement of the worked-out quarry.
- The undertaking of general road maintenance on the part of the Local Authority, in respect of the reinstatement does not represent a specific exceptional cost (not already captured in the development contribution scheme) and therefore does not meet the criteria set out in Section 48c of the Act.

7.3 Planning Authority Response

7.3.1 There is no response from the Planning Authority on file.

7.4 Observations

7.4.1 There are no observations on file.

7.5 Further Responses

7.5.1 There are no further responses on file.

8 Assessment

Background

8.1 This appeal relates solely to Conditions 10 and 11 of the planning authority's decision under Reg. Ref. 25/60343. This is an appeal in respect of conditions requiring a financial contribution, the provisions of section 48 of the Planning and Development Act 2000 apply, and the Coimisiún is restricted to considering this matter alone and cannot consider the matter de novo.

8.2 Condition 10 relates to a special levy as the Planning Authority is of the view that the construction of this development may lead to localised damage to the Local Primary Road (L1770) serving the development. The applicant is required to contribute to the cost of repairing this damage and shall pay an annual levy of €16,687 towards the cost which will be incurred to maintain the upkeep of the L1770 necessitated by the traffic generated from the quarry.

8.3 Condition 11 relates to a Section 48 Development Contribution in the sum of €31,061.51 (Thirty One Thousand, Sixty One Euro and Fifty One cents only) to the Planning Authority in accordance with Westmeath County Council's Section 48 Development Contribution Scheme 2022 (DCS), indexed linked as of January 2022, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority, and that is provided or that is intended will be provided by, or on behalf of, the Council. This figure is based on Class 7 (Waste facility)

Condition 10

8.4 Condition 10 relates to a special levy as the Planning Authority is of the view that the construction of this development may lead to localised damage to the Local Primary Road (L1770) serving the development. The applicant is required to contribute to the cost of repairing this damage and shall pay an annual levy of €16,687 towards the cost

which will be incurred to maintain the upkeep of the L1770 necessitated by the traffic generated from the quarry.

8.5 The appellant states that the wording of Condition 10 indicates that specifically the maintenance of the public road infrastructure is the basis on which a special development contribution is being sought. Road maintenance costs borne by the Local Authority would be an integral part of the standard development contribution methodology. In addition to this, it is stated that in calculating the sum of €16,687 to be paid annually by the developer to cover the cost of any damage to the L1770, the Planning Authority failed to state when the works would be commenced or completed. This condition also fails to comply with the guidance in Section 7.12 of the Development Management Guidelines (2007) as neither the condition nor Notification of Decision explain the basis for the calculation for the special levy of €16,687.

8.6 Section 48 (12) of the Planning and Development Act 2000 (as amended) states that:
Where payment of a special contribution is required in accordance with subsection (2)(c), the following provisions shall apply—

(a) the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates.

8.7 In addition to this, I refer the Coimisiún to Section 7.12 of the Development Management Guidelines which state that *a condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act; therefore, it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development.* In addition to this, it is stated that *circumstances which might warrant the attachment of a special contribution condition would include where the costs are incurred directly as a result of, or in order to facilitate, the development in question and are properly attributable to it.*

8.8 Section 2.2 of the *Westmeath County Development Contribution Scheme 2022* states that a Planning Authority may, in addition to the terms of a General Development Contribution Scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a Scheme are incurred by the Local Authority in respect of public infrastructure and facilities which

directly benefit the proposed development. It is noted that the *Westmeath County Development Contribution Scheme 2022* does not include any detail with respect to any such works.

- 8.9 The appeal site is accessed via the L1770 which is a local road. In terms of vehicles accessing the site, Section 1.3 of the Supplementary Environmental Report for the Reinstatement of a Quarry at Williamstown, Co. Westmeath states that the number of vehicles entering and leaving the site daily is anticipated to be 6- 8 vehicles per day. This number is below the number of vehicles entering and exiting the site when it was in use as a Quarry. In this regard, I refer the Coimisiún to the Traffic Impact Report submitted with the previous application on the site (**Reg. Ref.** 11/2036) which states that there would be a maximum of 10 return movements per day from the appeal site.
- 8.10 I have considered the area planners report and I note that there is no detail provided with regard to the reason for the imposition of this special contribution. In addition to this, there is no information provided which specifies the particular works carried out, or proposed to be carried out, by the local authority to which the contribution relates as required.
- 8.11 Notwithstanding this, I refer the Coimisiún to Appendix 1 of the Area Engineers report which provides a justification for the imposition of the special contribution and states that Heavy vehicles will quickly breakdown the verges and road surface...*Cost of road restoration due to damage caused to the local road during the construction phase of this development (low loader and excavator deliveries, concrete block deliveries, roof truss deliveries, all by HGV).*
- 8.12 Appendix 1 of the Area Engineers report outlines the method of calculation of the Special Levy as set out below:
- Length of Road: 814m
 - Width of road: 4.1m
 - Area of road: 3337.4m²
 - Rate of €25 per m² (€83,435) divided over 5 years €16,687.
- 8.13 I am satisfied that the Local Authority has provided a reasonable level of detail with respect to the calculation of the road works. However, in broad terms, Special contributions should only be applied where specific exceptional costs are incurred in

respect of very specific requirement to facilitate a development. These costs would need to be exceptional and incurred for the provision of public infrastructure or facilities which fall outside of the normal general contribution scheme.

- 8.15 In my assessment of this case, I consider the works listed in Appendix 1 of the Area Engineers report i.e. 'cost of road restoration due to damage caused to the local road during the construction phase of this development' are works which are capable of being covered in the normal development contribution scheme under S48(2)(a), where such a scheme would be applicable. In this regard, I refer the Coimisiún to the Transport and Drainage Infrastructure Category of Appendix 1 of the *Westmeath Development Contribution Scheme 2022* which includes '*New roads and improvements to existing roads*' as part of the estimated expenditure over 5 years.
- 8.16 In my opinion any road works on the L1770 would fall within the category of '*improvements to existing roads*' as set out in Appendix 1 of the *Westmeath Development Contribution Scheme 2022* and therefore would not, in my view, be exceptional and incurred for the provision of public infrastructure or facilities which fall outside of the normal general contribution scheme.
- 8.16 I make the Coimisiún aware that I have undertaken a site visit and noted that the road to is in a reasonable condition and that only a small number of vehicles used the road (8 cars and 1 van over an hour 11.29 am -12.29pm) on the day of the site visit.
- 8.17 Having regard to the foregoing, Condition No.10 relates to Section 48(2)(a) of the Planning and Development Act 2000 (as amended) only and does not include any provision for a special contribution or the payment of €16,687 per annum under Section 48(2)(c). I therefore recommend that Condition 10 be omitted.

Condition 11

- 8.18 Condition 11 relates to the imposition of a financial contribution of €31,061.51 (Thirty-One Thousand, Sixty-One Euro and Fifty-One cents only) to the Planning Authority as a contribution, in accordance with Westmeath County Council's Section 48 Development Contribution Scheme 2022, indexed linked as of January 2025.
- 8.19 The first party states that the fee outlined in Condition 11 is calculated on the basis that the proposed development is a Class 7-Waste Facility. However, the first party states that there is no waste being used in any backfilling activities proposed to take

place on site. It is a by-product under Article 27 of the European Communities (Waste Directive) Regulations 2011 (S.I. No. 126 of 2011) meaning that the material does not become waste.

8.20 Table 2 of the *Westmeath County Development Contribution Scheme 2022* sets out the Level of Contribution for Other Categories of Development. The Planning Authority based the Development Contribution on Category 7 of Table 2 which relates to Waste Facility which is described as *the use of land for the deposit of refuse or inert waste*.

8.21 Having considered the above, the key consideration for Condition 11 is whether or not the imported soil and rocks should be described as a by-product under Article 27 of the European Communities (Waste Directive) Regulations 2011 (S.I. No. 126 of 2011) or as waste.

8.22 I refer the Coimisiún to Section 1.1 of the Supplementary Environmental Report submitted with the application which states that *the backfilling of the existing void with inert soils and stones by bringing in materials using article 27 (by -products) for the purposes of land improvement or restoration and that allowing for the classification of greenfield soil and stone as a by-product, means the material does not become waste*.

8.23 Section 1.2 of the Supplementary Environmental Report submitted with the application states that *the only material requirements in respect of the proposed restoration scheme are the inert soil, stone and rock used in backfilling the existing void. Clean, inert soil and stone is likely to be sourced from green field development sites which have the benefit of planning. Any non-hazardous or hazardous wastes identified within the inert soils imported to site for restoration purposes will be transferred off-site by permitted waste collectors to suitably licenced waste disposal or recovery facilities*.

8.24 In addition to this, Section 13.2 of the Ecological Impact Assessment submitted with the application states *that imported soil will be imported under Article 27 (By Product). No waste will be brought to site, and no waste facility permit will be applied for. All imported soil will be screened for invasive species and the necessary biosecurity measures followed under Article 27*.

8.25 Having considered the foregoing, in my opinion, the proposal would include imported soil, and stone under Article 27 of the European Communities (Waste Directive) Regulations 2011 (S.I. No. 126 of 2011) and therefore this would be classified as By-product and not as waste. I note that there is no evidence to suggest that the applicant

is proposing to import waste onto the site. In addition to this, I have considered the area planners report and the report of the Executive Engineer of the Environment Section of Westmeath County Council neither of which allude to the appeal site being used as a waste facility. It is noted that the Environment Section report highlights that *if it is the case that the applicant wishes to bring in approved waster material to the site, they shall then in place an appropriate Water Facility Authorisation / permit before any waste activity takes place.*

8.26 Having considered the above, in my opinion, the development would not be consistent with a waste facility as described in Category 7 of the Table 2 of the *Westmeath Development Contribution Scheme 2022* as the proposal would not lead to the deposit of refuse or inert waste as outlined by the applicant.

8.27 Notwithstanding this, I make the Coimisiún aware of Note 3 below Table 2 of the *Westmeath Development Contribution Scheme 2022* which states that *'where a proposed development does not correlate exactly with a specific Category of Development, the Planning Authority will regard it in the context of the closest specific category thereto'*.

8.28 The proposal comprises the deposit of soil and stone and as such I am satisfied that the closest specific category would be a waste facility as set out in Category 7 of Table 2 of the *Westmeath Development Contribution Scheme 2022* and that the Planning Authority has correctly applied the development contribution scheme in this case.

8.29 However, I make Coimisiún aware that Section 7.13 of the *Westmeath Development Contribution Scheme 2022* outlines that *'developments permitted by way of a temporary permission or cumulative temporary permissions shall be liable to pay development contributions as follows.... ii. Up to 5 years: 50% of normal rate.*

8.30 Condition 2 of the Notification of Decision to Grant Planning Permission states that *This permission shall apply for a period of **five years** from the date of this permission.* Therefore, while the Planning Authority has categorised the development correctly in terms of calculation of the fees, it has not applied the reduction of fees as set out in Section 7.13 of the *Westmeath Development Contribution Scheme 2022*.

8.31 Having considered the foregoing, I believe that the Planning Authority has correctly applied the terms of the *Westmeath County Development Contribution Scheme 2022* by categorising the proposed development as a Class 7 Waste Facility and levying a

development contribution fee on this basis. However, the Planning Authority has failed to apply the reduction for temporary permissions as set out in Section 7.13 of the *Westmeath Development Contribution Scheme 2022*. Having considered the foregoing, the proposed development would attract a fee of €15,061.51 (i.e. €31,061.24 / 2)

8.32 Therefore I am of the opinion that Condition 11 should be amended as set out below.

8 Water Framework Directive

8.1 Not relevant

9. Appropriate Assessment

9.1 Not relevant

10. Recommendation

10.1 The Coimisiún, 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 have not been properly applied in respect of condition number 10 and directs that the said condition be omitted.

10.2 The Coimisiún, 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 have not been properly applied in respect of condition number 11 and directs that the said condition be amended.

11. Reasons and Considerations

11.1 Having regard to:

(a) the *Westmeath Development Contributions Scheme 2022*.

(b) the submissions made in the first party appeal.

(c) the reports of the Local Authority

With respect to Condition 10:

Having regard to Section 48 of the Planning and Development Act 2000, as amended, the Coimisiún is satisfied that Condition No.10 relates to Section 48(2)(a) of the Planning and Development Act 2000, as amended and do not relate to special contribution under Section 48(2)(c) of the same Act. Therefore, the Planning Authority is directed to omit this condition.

With respect to Condition 11:

The Coimisiún considers that the terms of the *Westmeath Development Contribution Scheme 2022* were incorrectly applied in respect of Condition No.11 of Reg. Ref. 2560343 in that the proposed development is a temporary five-year permission and that the reductions outlined in Section 7.13 of the *Westmeath Development Contribution Scheme 2022* were not applied to the final contribution figure. In light of this, the Planning Authority is directed to attach the condition as set out below:

10. The developer shall pay to the Planning Authority a financial contribution of €15,061.51 (fifteen thousand and sixty one euros and fifty one cent) in respect of public infrastructure and facilities benefiting development within 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 *Westmeath Development Contribution Scheme 2022*, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended). The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable

at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Ronan Murphy
Planning Inspector

14 April 2026

