



An  
Bord  
Pleanála

**Board Direction**  
**BD-000337-18**  
**ABP-300186-17**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21.05.2018.

The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

Remove condition 2

### **Reasons and Considerations**

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, considered that the figure imposed under condition number 2, [€25,938.00 (twenty five thousand nine hundred and thirty eight euro)], as a special development contribution towards would not be in accordance with the provisions of Section 48(2)(c) of the Planning and Development Act, 2000, as it has not been established that this constitutes a specific exceptional cost in relation to this particular development.

Amend condition 3

### **Reasons and Considerations**

The Board considered that the items imposed under condition number 3. [€20,518.43 (twenty thousand five hundred and eighteen euro forty-three cents)] as a development contribution towards the costs of public infrastructure and facilities benefiting development in the area of the planning authority while it accords with the provisions of section 48(10)(b) of the Planning and Development Act, 2000 as it is in

accordance with the terms of the Cork County Council Development Contribution Scheme should be amended downwards to €6,838.08 to reflect the Development Contribution Scheme rates, 'Other non-residential uses', set out in the 2015 Scheme.

In deciding not to accept the Inspector's recommendation in relation to condition 2 the Board agreed that the condition fails to identify / detail the extent and location of the works required, the costs incurred or proposed to be incurred, or the apportionment of costs and benefits to the proposed development. As such the Board did not have sufficient information available to it allow the imposition of the condition.

**Board Member:**

**Date:** 21/05/2018

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Terry Prendergast