



An  
Bord  
Pleanála

**Board Direction**  
**BD-000729-18**  
**ABP-300979-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/07/2018.

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:

Attach condition 6

Attach condition 7

## 1.0 Reasons and Considerations

It is considered that:

- Having regard to the nature of the development, which is a development for retention that is subject to the provisions of Cork City Council General Development Contribution Scheme 2017-2021, it is considered that the terms of the development contribution scheme have been properly applied that a general development contribution condition should be included in this instance.
- Having regard to the nature of the development, which is a development for retention that is subject to the provisions of Cork City Council's

Supplementary Development Contribution Scheme 2017-2021, it is considered that the terms of the development contribution scheme have been properly applied, that the public infrastructure and facilities in question benefit the development and that a Supplementary Development Contribution condition should be included in this instance.

In not accepting the Inspectors recommendation to remove condition number 7, the Board had regard to Cork City Councils Supplementary Development Contribution Scheme 2017-2021 and was of the view that the public infrastructure and facilities to which the scheme relates benefits the subject development, notwithstanding the use of other premises in the past by the applicant.

**Board Member:**

**Date:** 19/07/2018

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Terry Ó Niadh

**Note:**

The Board noted the request by the Appellant and the Planning Authority to delay the determination of this appeal, pending the adoption of a revised Development Contribution Scheme, so that the contributions in condition 6 and condition 7 would no longer be applicable. However, having regard to the statutory requirement which limits the Board to the question of whether the Contribution Schemes were properly applied at the date of the Planning Authority decision, this request would not serve the purpose sought (which could only be achieved by a separate and new application made following the adoption of any new Development Contribution Scheme).