



An
Bord
Pleanála

Board Direction
ABP-307091-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/09/2020.

The Board decided, as set out in the following Order, that

WHEREAS by order dated 6th October 2005, An Bord Pleanála, under appeal ref. no. PL04.212515, confirmed Condition No. 80 and amended Condition No. 81 attached to the planning permission granted to Ruden Homes Ltd for the construction of a total of 554 no. residential units, comprising:

- (a) 45 no. five-bed detached, 8 no. three-bed detached, 26 no. four-bed semi-detached, 144 no. three-bed semi-detached, 8 no. four-bed terraced, 292 no. three-bed terraced and 31 no. two-bed apartments,
- (b) 1 no. creche (586 sqm),
- (c) 1 no. shop (163.8 sqm),
- (d) Associated car parking,
- (e) 3 no. electricity sub-stations,
- (f) Construction of a new vehicular and pedestrian entrance from the existing road on the north western frontage of the site,

(g) A second entrance for vehicular and pedestrian access from the existing road at the western frontage of the site onto Matthew Hill cross-road, and

(h) Provision of bin storage, plant, landscaping/recreational amenities and all other site development and ancillary works,

on a site of 49.9 acres at Lehenagh Beg and Lehenagh More, Pouladuff, Togher, County Cork:

And **WHEREAS** Condition 81 attached to the said permission required the developer to pay a special contribution in respect of road improvement works for an amount to be “offset by the cost of works pursuant to condition number 52 which directly overlaps with the said road improvement scheme”:

And **WHEREAS** the developer and the planning authority have failed to agree on the works that are admissible within the said offset and so the matter has been referred by the developer to An Bord Pleanála on the 30th day of March 2020 for determination:

Now **THEREFORE**, An Bord Pleanála, in exercise of the powers conferred in it by Section 34(5) of the Planning and Development Act 2000, as amended, hereby determines that the works in view are those works that have been undertaken by the developer to the L2455 public road only and that the basis for assessing the cost of these works includes land acquisition costs but not cartage and waste disposal costs.

Matters considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Board Member:

Date: 16/09/2020

Dave Walsh