

An
Bord
Pleanála

Board Direction
BD-008793-21
ABP-309508-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/07/2021.

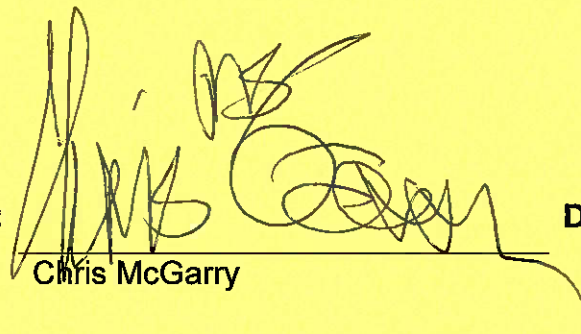
The Board treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Board also decided that the planning authority be directed, as follows:

Remove condition No. 44

Reasons and Considerations.

It is considered that the special development contribution of €53,299 imposed under condition number 44, for the provision of future road improvements which will be required as a result of damage to the public road due to the operations of the site, is not in accordance with the provisions of Section 48(2)(c) and Section 48(12)(a) of the Planning and Development Act 2000 as amended, as the condition fails to specify to a sufficient level of detail, the particular works which are envisaged to fall within the scope of the condition. Furthermore, it is considered that the condition is an unnecessary duplication in light of condition 11 which requires that *"any part of the public road damaged during the proposed works shall be resurfaced by the developer to the satisfaction of Cork County Council"*. In this regard it is considered that the terms of Section 48(2)(c) and Sections 48(12)(a) have not been properly applied and it is determined, therefore, that the condition should be removed.

Board Member:



Chris McGarry

Date: 26/07/2021