

An
Bord
Pleanála

Board Direction
BD-017397-24
ABP-317238-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/09/2024.

The Board generally agreed with the Inspector's recommendation and determined that the financial contribution as sought by the planning authority is correct for the following reasons and considerations.

WHEREAS by Order dated the 24th day of September 2019, Cork County Council, under planning register reference 18/06762, granted permission, subject to conditions, to Varsovian No 2 Limited Partnership (acting by its General Partner Varsovian GP No 2 Limited), care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny, for the construction of a primary care centre complex at Old Fort Road, Ballincollig, County Cork:

And WHEREAS Condition number 2 attached to the said permission requires the developer to pay an unspecified financial contribution to Cork City Council in respect of public infrastructure and facilities benefitting development in the area of Cork City Council in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended, and provides that details of the application of the terms of the Scheme shall be agreed between Cork City Council and the developer:

And WHEREAS the planning authority and the developer have failed to agree on the amount payable and the matter has been referred by the developer, Glencar

Healthcare care of PAMES Developments Limited of 1st Floor, 60 Amiens Street, Dublin to An Bord Pleanála on the 28th day of June, 2021 for determination:

And WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) the documentation on file and the report of the Inspector, and
- (b) the terms of the Cork City Council General Development Contribution Scheme 2018-2021 (the Scheme):

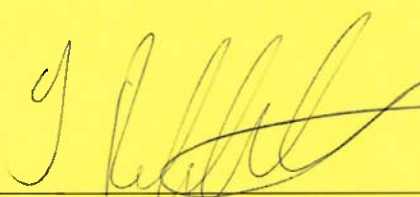
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that a financial contribution of €297,393.75 (two hundred and ninety-seven thousand, three hundred and ninety three euro and seventy five cent) as applied by the planning authority pursuant to Condition number 2 of planning register reference 18/06762, is correct.

Reasons and Considerations

The Board had regard to:

- (a) section 34(5) of the Planning and Development Act 2000, as amended;
- (b) the use of the development subject of planning register reference number 18/06762, being a primary health care centre;
- (c) section 1.6 'Exemptions and Reductions' and Table 5 of the Cork City Council General Development Contribution Scheme 2018-2021, and
- (d) the limitations applied on reductions pursuant to section 1.6 of the Scheme, wherein 100% reduction to the payment of development contributions will not apply to hospitals, medical facilities, primary care centres and similar developments as cited on page 10 of the Scheme.

Board Member



Date: 04/09/2024

Tom Rabbette

