



An
Bord
Pleanála

Board Direction
BD-017375-24
ABP-318036-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/09/2024.

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:

1. Omit Condition number 40 of PA ref. 22/5800

And

2. Amend Condition Number 41 of PA ref. 22/5800 to replace the Development Contribution to €72,883.20.

Reasons and Considerations,

1. Having regard to the Cork County Council Development Contribution Scheme 2004 (DCS) and to section 48(2)(c) of the Planning and Development Act 2000, as amended, the Board decided that a special development contribution towards the installation of a pedestrian crossing on the N-71 Bandon Relief Road has not been fully justified by the planning authority. Furthermore, the Board considered that such infrastructure is not specific to the proposed development or exceptional in terms of infrastructure or cost and such infrastructure is already included for within the general development contribution scheme.

2. Having regard to the updated plans and documentation submitted as part of the appeal and to the development contribution scheme rates applied under the DCS, the Board calculated that the development contribution should be based on the revised documentation supplied on appeal, which specified the floor area of CVRT / Servicing use (non-retail as 1148 square meters)
- In relation to offset - the Board agreed with the Planning Authority that the Development Contribution Scheme allows for an offset in the calculation regarding the demolition / replacement element of the proposed development
- “Only that part of the capital expenditure, which will benefit new development, is used in the calculation of the amounts to be met by the levies on new development.

Board Member:


Liam Bergin

Date: 04/09/2024