



An
Bord
Pleanála

Board Direction
BD-019935-25
ABP-320775-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/06/2025.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below, that the planning authority be directed, as follows:

Remove Condition 29

Reasons and Considerations

Having regard to Section 48(2)(c) and (12) of the Planning and Development Act 2000, as amended, the terms of the Cork County Council Development Contribution Scheme 2004, the detailed submissions on file from the applicant and the planning authority, the proposed development consisting of the demolition of existing extension to existing dwelling house, refurbishment of existing dwelling house, construction of new extensions to existing dwelling house, installation of wastewater treatment system and associated site works, and the basis for calculation provided by the planning authority, the Board considered that in respect of the local authority works proposed to be carried out for the provision of surface repair, drainage and drain clearance and treatment required to the western junction with the N-71, that the planning authority has not demonstrated that specific exceptional costs would arise from the proposed development, or that such works would benefit the proposed development, within the meaning of

Section 48(2)(c) of the 2000 Act, and would not instead provide a wider benefit to the wider area, or further, that the planning authority has not demonstrated that these works are not included in the Planning Authority's General Contribution Scheme. It is, therefore, considered that the special financial contribution as proposed by the planning authority for such works, does not come within the scope of section 48(2)(c) of the Planning and Development Act, 2000 and accordingly, would not be warranted.

In deciding not to accept the Inspector's recommendation, the Board agreed with the Inspector that works to the road fronting the site, remain the responsibility of the local authority. The Board noted from the planner's report that the Area Engineer's assessment did not raise any significant issues in relation to access to the site, and it therefore disagreed with the Inspector that the proposed works are necessary to facilitate a safe access to the dwelling house.

Board Member:



MaryRose McGovern

Date: 18/06/2025