

An  
Bord  
Pleanála

**Board Direction**  
**BD-019411-25**  
**ABP-321632-25**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/03/2025.

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 92

#### **Reasons and Considerations.**

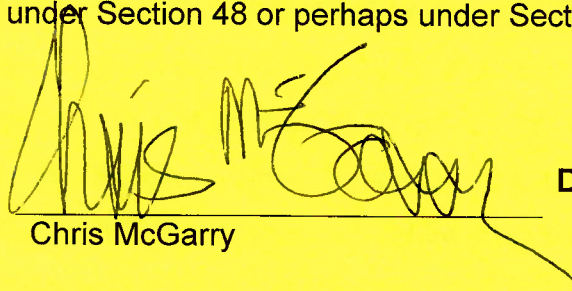
Having regard to Section 48(2)(c) and (12) of the Planning and Development Act 2000, as amended, to the Cork County Council Development Contribution Scheme adopted in 2004, to the plans and particulars submitted as part of the application, including the modelling and assumptions set out in the traffic and transport assessment, and to the specified particular works to be carried out and the basis for the calculation provided by the planning authority, it is considered that a special development contribution towards the provision of the Little Island Sustainable Transport Interventions (LISTI) between the junction of the R-623 / L-2985-0 and the subject site (with the exception of works already proposed by the applicant within the red-line boundary) do not represent exceptional and specific costs in terms of public infrastructure that will benefit the proposed development within the meaning of Section 48(2)(c), and have not been adequately justified by the planning authority by reference to the proposed development.



In addition, it is considered that the specific works contained within the red line are subject to a grant of permission for the proposed development and will therefore be required to be implemented in accordance with the terms of conditions of the planning permission. To impose a special contribution for these works would amount to double counting. Furthermore, it would not be appropriate to decouple these specific described works, which form part of the development for which permission has been secured, from the implementation of the planning permission by introducing potential uncertainty as to timing of the delivery of these.

In deciding not to accept the recommendation of the Inspector to amend condition 92, the Board considered the totality of the documentation on file including the submissions from the applicant and the planning authority. Firstly the Board agreed in full with the inspector that the relevant proposed works as provided for in the application documentation and within the red line should not be subject to a Section 48(2)(c) and that these are fully provided for in any implementation of the planning permission. By reference to wider works under LISTI, the Board concluded on the basis of the evidence on file, that Section 48(2)(c) would not be an appropriate mechanism for seeking of monies related to the wider LISTI scheme, including works from the junction of the R-623 at Ballytrasna to the site. The Board determined that these works would not constitute exceptional costs to be incurred by the local authority which benefit the proposed development, but would appear on the evidence on file to provide a much broader overall purpose and function and a wide benefit to a much wider area. In reaching this conclusion the Board considered that the documentation on file did not provide a reasonable ground for determining that the proposed development (including the assessment of its transportation impact) requires these works. The Board considered that the LISTI project would more properly be reflected in a revision to the general development contribution scheme, a separate scheme under Section 48 or perhaps under Section 49 of the Act, as amended.

**Board Member:**



Chris McGarry

**Date:** 07/04/2025