

An
Coimisiún
Pleanála

Direction
CD-020112-25
ABP-322075-25

The submissions on this file and the Inspector's report were considered at a meeting held on 02/07/2025.

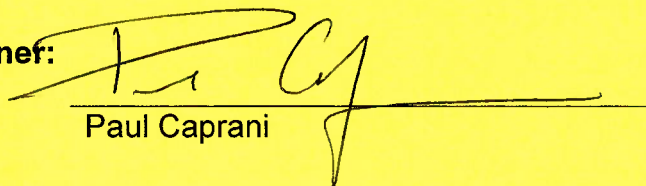
The Commission treated this case under section 48 of the Planning and Development Act, 2000, as amended. The Commission also decided that the planning authority be directed, as follows:

Attach condition 42

Remove condition 40

Planning

Commissioner:


Paul Caprani

Date: 02/07/2025

DRAFT WORDING FOR ORDER

Decision

The Commission, in accordance with section 48 of the Planning and Development Act 2000, as amended, considered that, based on the reasons and considerations set out below, the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition

number 40 and directs the said Council to REMOVE condition number 40 and the reason therefor.

The Commission, in accordance with section 49 of the Planning and Development Act 2000, as amended, considered that, based on the reasons and considerations set out below, the terms of the Development Contribution Scheme for the area had been properly applied in respect of condition number 42 and directs the said Council to ATTACH condition number 42 and the reason therefor.

Reasons and Considerations

The Commission considered that condition number 40 (Special Contribution) does not accord with the provisions of Section 48(2)(c) and Section 48(12) of the Planning and Development Act 2000, as amended, as it has not been adequately demonstrated by the planning authority that the development contribution in question constitutes specific exceptional costs which benefit the proposed development, and which are not covered by the planning authority's general contribution scheme.

In relation to condition number 42 (Supplementary Contribution), the Commission considered that the permitted development would benefit from the project in question (the Cobh/Midleton - Blarney Suburban Rail Project) by way of reduced road congestion in the immediate area that would result from improved rail infrastructure. It was further considered that the site as a whole was subject to the provisions of the Supplementary Contribution Scheme in question, noting the terms of said Supplementary Contribution Scheme, and noting that the site can be accessed from the N25 National Road, and is also within one kilometres of the Cork to Midleton Rail line.