



An
Coimisiún
Pleanála

Commission Direction
CD-000864
PL-501033-CK-26

The submissions on this file and the Inspector's report were considered at a meeting held on 08 July 2026.

The Commission decided to direct the Planning Authority to REMOVE condition number 19 for the following reasons and considerations.

Planning Commissioner:

Patricia Calleary

Date:

10th day of July 2026

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to Section 48(2)(c) of the Planning and Development Act 2000, as amended, the terms of the Cork County Council Adopted Development Contribution Scheme 2004, to the plans and particulars submitted as part of the application, to the detailed submissions on file including that of the planning authority, it is considered that a special contribution towards the upgrade of the

L-1221-0 road surface from the junction with L-1223-0 (Bells Cross) to the Water Treatment Plant does 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) Planning and Development Act 2000, as amended, as such works are of a type that are provided for or capable of being provided for under Cork County Council's adopted Development Contributions Scheme. It is therefore considered that the special contribution imposed by the planning authority for such works, by the attachment of condition 19, does not come within the scope of Section 48(2)(c) of the Planning and Development Act 2000, as amended.

In not agreeing with the inspector to amend the said condition requiring the developer to lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security, to secure the reinstatement of public roads from the junction with L-1223-0 (Bells Cross) to the Water Treatment Plant which may be damaged during the construction works, the Commission noted that the planning documentation, specifically the Planning Report (Tobin) included commitments for the carrying out of pre and post condition surveys of the relevant section of the road and the carrying out of repairs for any damage associated with the development or the reimbursement of costs for such repair works carried out by Cork County Council. This is considered a fair and reasonable means of dealing with any road damage that may occur as a direct consequence of the development at this location.

The Commission noted that while it was open to the planning authority to attach a bond/security condition to its decision, akin to that suggested by the inspector, it is not considered by the commission to be appropriate to attach it as an alternative condition under Section 48(2)(c) of the Planning and Development Act 2000, having regard to the very precise nature of the condition under appeal and the

legislative context for deciding on Section 48, including S.48(2)(c), appeals. The Commission otherwise agreed with the inspector that Condition 19 requiring a special S.48(2)(c) contribution was not warranted.