

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork County

Planning Register Reference Number: 15/06095

An Bord Pleanála Reference Number: PL 04.245825

APPEAL by Dan O'Brien care of McCutcheon Halley Walsh of 6 Joyce House, Barrack Square, Ballincollig, County Cork in relation to the inclusion of special contribution condition number 3 by Cork County Council in its decision made on the 12th day of November, 2015.

PROPOSED DEVELOPMENT: Development consisting of 12 number dwellinghouses and all associated ancillary development works including vehicular access, parking, drainage and landscaping at Poulavone, Carrigrohane, Ballincollig, County Cork.

DECISION

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the said Council, under section 48 (13) of the 2000 Act, to ATTACH condition number 3 and the reason therefor.

REASONS AND CONSIDERATIONS

It is considered that the planning authority has adequately demonstrated that the works to Ballinacollig Regional Park, being the provision of amenity facilities, which is the subject matter of this condition, would benefit the proposed development, and that such works are exceptional costs that are not included in the planning authority's Development Contribution Scheme. Furthermore, it is considered that the wording of the condition complies with the provisions of the relevant legislation.

In not accepting the recommendation of the Inspector to require the condition to be omitted, the Board was satisfied that the condition complies with the relevant provisions of Section 48 (2)(c) of the Planning and Development Act 2000, as amended, and was satisfied that the works envisaged in the condition were sufficiently clearly described. In addition, the Board was fully satisfied that these works would benefit the proposed development. In this regard, the Board had particular regard to the application letter which accompanied the planning application, which referred to the close proximity of Ballinacollig Regional Park to the subject site, in the context of not providing any public open space within the subject residential development.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.