



An
Bord
Pleanála

Board Order
PL 04.248374

Planning and Development Acts 2000 to 2017

Planning Authority: Cork County Council

Planning Register Reference Number: 16/00591

Appeal by Lyonshall Limited care of HW Planning of 5 Joyce House, Barrack Square, Ballincollig, County Cork in relation to the inclusion of special contribution condition number 31 by Cork County Council in its decision made on the 28th day of March, 2017.

Proposed Development: Development consisting of (1) the construction of a primary care centre consisting of three number ground floor retail/medical units, medical uses on the ground, first and second floor levels and all ancillary signage, (2) site development works to include alterations to the existing plaza consisting of the relocation and replacement of the existing ramp and stairs, refuse enclosure, internal access roadways, landscaping, footpaths and an ancillary car park, (3) a modified entrance at Clarke Street including upgrades and provision of a roundabout at the existing Inchydoney Road/Casement Street, Clarke Street Junction on the N71 and (4) a new vehicle access from the Inchydoney Road, all at The Waterfront, Inchydoney Road/Casement Street/Clarke Street Junction, Clonakilty, 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, AMEND condition number 31 so that it shall be as follows for the reasons stated.

31. The developer shall pay the sum of €119, 975 (one hundred and nineteen thousand and nine hundred and seventy five euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of works proposed to be carried out for the provision a signalised junction on the N71 fronting the site. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Reasons and Considerations

Having regard to the planning history of the site, the pattern of existing and permitted development on the site and in the vicinity, and the documentation submitted as part of the application and appeal, including details of traffic levels and road improvement proposals, the Board is satisfied that the public infrastructure and facilities that are the subject matter of the appeal (that is, the provision of a signalised junction on the N71 fronting the subject site) would benefit the proposed development (including facilitating safe pedestrian and cyclist access to the development, improving traffic safety by providing for enhanced right turning movements into the site, and reducing congestion on the N71 at this junction), and that the imposition of this condition conforms to the provisions of Section 48 (2)(c) of the Planning and Development Act 2000, as amended. Furthermore, on the basis of the documentation submitted by the planning authority to An Bord Pleanála on the 6th day of July 2017 and on the 4th day of December 2017, including details of costings, the Board is satisfied that the apportionment of the costs of the works in question was reasonable and proportionate as between the various developments that would benefit from the works concerned, and that these works constitute specific exceptional costs that are not covered by the General Development Contribution Scheme.

