



An
Bord
Pleanála

Board Order
PL 04.248375

Planning and Development Acts 2000 to 2017

Planning Authority: Cork County Council

Planning Register Reference Number: 16/590

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 29 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 supermarket with off-licence 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 store, plant enclosure, internal access roadways, landscaping, footpaths and an ancillary car park, (3) a modified entrance at Clark 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, to AMEND condition number 29 so that it shall be as follows for the reason stated.

29. The developer shall pay the sum of € 119,975 (one hundred and nineteen thousand, 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 of 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.

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 2018

