

Board Order PL 04.248671

Planning and Development Acts 2000 to 2017

Planning Authority: Cork County

Planning Register Reference Number: 16/07010.

Appeal by Kevin McCarthy trading as Machen care of The Planning Partnership of The Coach House, Dundanion, Blackrock Road, Cork in relation to the inclusion of special contribution condition number 31 by Cork County Council in its decision made on the 18th day of May, 2017.

Proposed Development: Importation of soil and stone, bricks, tiles, ceramics, tarmac, concrete for the raising of an agricultural field in order to improve the agricultural output of the field and construction of a new haul road, all at Ballinphellic, Innishannon, 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 REMOVE condition number 31 and the reason therefor.

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.

Reasons and Considerations

The Board considered that payment of €70,870.95 (seventy thousand eight hundred and seventy euro ninety-five cents) imposed under condition number 31 as a special development contribution towards the cost of the provision of future road improvement works of local roads does not comply with the provisions of section 48(2)(c) of the Planning and Development Act, 2000 as it has not been established that this constitutes a specific exceptional cost in relation to this particular development.

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

Dated this day of