



An
Bord
Pleanála

Board Order
PL 28.249354

Planning and Development Acts 2000 to 2017

Planning Authority: Cork City Council

Planning Register Reference Number: 16/37183

Appeal by Irish Water of Post Office Box 6000, Dublin in relation to the application by Cork City Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 36 of its decision made on the 4th day of September, 2017.

Proposed Development: The upgrading, replacing and extension of the existing Lee Road Water Treatment Plant with a 40MLD capacity water treatment facility. Permission is sought for the demolition of the raw water pump house, construction of a new roof to the existing sedimentation tanks, and the erection of new structures including raw water pump house and chemical dosing, chlorine tank and hydrofluorisilic tank, floc tank, new filters (with roof), filter clean backwash tank and pumping station, administration building, treated water reservoir and pumping station, store, Electricity Supply Board substation, lime silo and lime dosing house, filter washwater holding tanks, and the erection of a sludge dewatering building, sludge tank farm and site development works including drainage with attenuation, foul pumping station, relocation of treated waste process water outfall, and relocated site entrance and all ancillary site works and boundary treatment. A Recorded Protected Structure (RPS reference:PS619) is located within the development site. A Natura Impact Assessment accompanies this application. All at Lee Road Water Treatment Plant, Lee Road, Cork City.

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 36 and directs the said Council to AMEND condition number 36 so that it shall be as follows for the reason stated.

36. The developer shall pay to the planning authority a financial contribution of €84,524 (eighty-four thousand, five hundred and twenty-four euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any 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 a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

