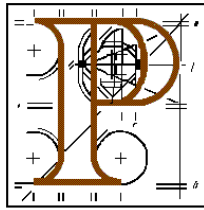


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Cork County**

**Planning Register Reference Number: 17/05658**

An Bord Pleanála Reference Number: ABP-300186-17

**APPEAL** by Andrew and Laura Corcoran of Redelva Limited care of Richard Rainey Architects of 71 Lower O'Connell Street, Kinsale, County Cork in relation to the application by Cork County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 3, and in relation to the inclusion of special contribution condition number 2, in its decision made on the 24<sup>th</sup> day of October, 2017.

**PROPOSED DEVELOPMENT:** Alterations, refurbishment and extensions to the rear of the Perryville House Hotel, (which is a protected structure). The alterations and extensions include a lift, 12 number bedrooms, kitchen, utility rooms and all associated site works at Perryville House Hotel, Long Quay, Kinsale, County Cork.

## DECISION

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations marked (1) set out below, that the terms of the Development Contribution Scheme for the area had been properly applied in respect of condition number 3 and directs the said Council to **AMEND** condition number 3 so that it shall be as follows for the reason stated.

**Furthermore, 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 marked (2) under, directs the said Council, under section 48 (13) of the 2000 Act, to REMOVE condition number 2 and the reason therefor.**

3. The developer shall pay to the planning authority a financial contribution of €6,838.08 (six thousand, eight hundred and thirty eight euro and eight cent) 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 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.

### **REASONS AND CONSIDERATIONS (1)**

The Board considered that the items imposed under condition number 3. [€20,518.43 (twenty thousand, five hundred and eighteen euro and forty-three cent)] as a development contribution towards the costs of public infrastructure and facilities benefiting development in the area of the planning authority while it accords with the provisions of section 48(10)(b) of the Planning and Development Act, 2000 as it is in accordance with the terms of the Cork County Council Development Contribution Scheme should be amended downwards to €6,838.08 (six thousand, eight hundred and thirty eight euro and eight cent) to reflect the Development Contribution Scheme rates, 'Other non-residential uses', set out in the 2015 Scheme.

## **REASONS AND CONSIDERATIONS (2)**

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, considered that the figure imposed under condition number 2, [€25,938 (twenty five thousand, nine hundred and thirty eight euro)], as a special development contribution towards the provision of car park spaces would not be in accordance 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.

In deciding not to accept the Inspector's recommendation in relation to condition number 2, the Board agreed that the condition fails to identify/detail the extent and location of the works required, the costs incurred or proposed to be incurred, or the apportionment of costs and benefits to the proposed development. As such the Board did not have sufficient information available to it allow the imposition of the condition.

## **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.

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

**Dated this      day of                      2018.**