



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 18/05507

Appeal by Martin O'Callaghan Limited of Kilmoney, Carrigaline, County Cork in relation to the inclusion of special contribution condition number 23 by Cork County Council in its decision made on the 7th day of December, 2018.

Proposed Development: The importation of soil and stone and concrete for the raising of an agricultural field in order to improve the agricultural output of the field and the construction of a new temporary haul road at Killydonoghoe, Glanmire, 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 REMOVE condition number 23 and the reason therefor.

Reasons and Considerations

Having regard to the Planning and Development Act, 2000, as amended, and to the 'Development Contribution Guidelines for Planning Authorities' published by the Department of Environment, Community and Local Government in January 2013, it is considered that repairs to the public road network would not constitute public infrastructure or facilities which benefit very specific requirements for the proposed development and, therefore, the payment of costs associated with such repairs cannot be required as a special contribution under the provisions of section 48(2)(c) of the Act.

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.

John Connolly

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

Dated this day of 2019.