



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 18/07273

Appeal by Tulligmore Quarry Solutions Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork in relation to the inclusion of special contribution condition number 12 by Cork County Council in its decision made on the 13th day of February, 2019.

Proposed Development: A ten-year permission for the continued use of an existing sand and gravel quarry with two number new extraction areas measuring approximately 3.32 hectares combined and all associated ancillary development works including the implementation of a phased restoration programme, all at Tullig More (townland), Dripsey, 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 12 and the reason therefor.

Reasons and Considerations

It is considered that condition number 12 attached to the permission granted under planning register reference number 18/07273 would fail to comply with the provisions of section 48(2)(c) of the Planning and Development Act, 2000, as amended, insofar as the planning authority has not demonstrated that the proposed development would result in the planning authority incurring specific exceptional infrastructural costs, which would not be covered by its General Development Contribution Scheme and which would benefit the proposed development. It is, therefore, considered that condition number 12 would not come within the scope of section 48(2)(c) of the Planning and Development Act, 2000, as amended and would, therefore, be inappropriate.

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.

Paul Hyde

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

Dated this day of 2019.