



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 19/05858

Appeal by BCS Asset Holding Limited care of Coakley O'Neill of NSC Campus, Mahon, Cork in relation to the inclusion of special contribution condition number 59 by Cork County Council in its decision made on the 5th day of February, 2020.

Proposed Development: Construction of 25 number detached residential units, comprising one number five bedroom dwelling, 10 number four bed dwellings and 14 number three bed dwellings, and all associated site development works, foul and storm drainage including attenuation tank, and landscaping and amenity areas. The proposed development incorporates one number new vehicular access onto the existing estate road to the north which provides vehicular access onto the Curragh Road and one number new pedestrian access onto the R579 to the east, all at Curragh, Kanturk, 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 Council, under section 48 (13) of the 2000 Act, to AMEND condition number 59 so that it shall be as follows for the reason stated.

59. The developer shall pay the sum of €12,400 (twelve thousand, four hundred euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of the following works proposed to be carried out -

- 20% of the road upgrade works on the L-1050 - €10,400 (ten thousand, four hundred euro);
- 20% of improvement works to the layout of the road junction between the L-1050 and the R576 - €1,000 (one thousand euro);
- 20% of the provision of uncontrolled pedestrian crossing of R576 at junction with L-1050 - €1,000 (one thousand euro);

This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of 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 considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Reasons and Considerations

Having regard to the pattern of existing and permitted development in the vicinity, to the condition of the road and footpath serving the site, and to the proposals to provide public infrastructural improvements as part of the development, it is considered reasonable that only a portion of the costs of upgrading the L-1050 and modifying the junction of the R576 and L-1050, including the pedestrian crossing, ought to be borne by the subject development and that none of the traffic calming works should be included, given their wider benefit to other existing/proposed developments in the area. The Board has decided to determine the contribution as follows:

20% of the road upgrade works on the L-1050	€10,400 (ten thousand, four hundred euro);
20% of improvement works to the layout of the road junction between the L-1050 and the R576	€1,000 (one thousand euro);
20% of the provision of uncontrolled pedestrian crossing of R576 at junction with L-1050	€1,000 (one thousand euro);
Total amount of contribution-	€12,400 (twelve thousand, four hundred euro)

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 2020.