



Planning and Development Acts 2000 to 2019

Planning Authority: Cork County Council

Planning Register Reference Number: 19/06892

Appeal by Abden Developments Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 7th day of February, 2020 by Cork County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Construction of a creche facility to serve the adjacent permitted residential development (planning register reference number 18/6579), (2) the construction of 19 number dwellinghouses (to replace 19 number units previously permitted under planning register reference number 18/6579), and (3) all associated ancillary development works including pedestrian access, parking, footpaths, drainage and landscaping, all at Lisnagar Demesne (Townland), Rathcormac, County Cork.

Decision

Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 23 so that it shall be as follows for the reason set out.

23. No units shall be occupied prior to the completion of the traffic calming and upgrades on regional road R614 as permitted under planning register reference number 18/6579.

Reason: In the interest of orderly development.

Reasons and Considerations

The applicant does not have sufficient interest to undertake works on third party lands and has no remit in the taking in charge of a separate development. The provisions as set out in the second sentence of the condition as proposed are, therefore, ultra vires.

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.

Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2020.