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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Cork City Council.**

**Planning Register Reference Number: 04/7674.**

**WHEREAS** by order dated the 6<sup>th</sup> day of October, 2005 An Bord Pleanála, under appeal reference number PL 04.212515, confirmed condition number 80 and amended condition number 81 attached to the planning permission, planning register reference number 04/7674 granted to Ruden Homes Limited care of Cunnane Stratton Reynolds of Copley Hall, Cotters Street, Cork for development comprising construction of a total of 554 number residential units comprising: (a) 45 number five bedroom detached, eight number three bedroom detached, 26 number four bedroom semi-detached, 144 number three bedroom semi-detached, eight number four bedroom terraced, 292 number three bedroom terraced and 31 number two bedroom apartments, (b) one number crèche (586 square metres), (c) one number shop (163.8 square metres), (d) associated car parking, (e) three number electricity substations, (f) construction of a new vehicular and pedestrian entrance from the existing road on the north-western frontage of the site, (g) a second entrance for vehicular and pedestrian access from the existing road at the western frontage of the site onto Mathew Hill cross road, (h) provision of associated bin storage, plant, landscaping/recreational amenities and all other site development and ancillary works on a site of 49.9 acres at Lehenagh Beg and Lehenagh More, Pouladuff and Togher, County Cork.

**AND WHEREAS** condition number 81 attached to the permission required the developer to pay a special contribution in respect of road improvement works for an amount to be “offset by the cost of works pursuant to condition number 52 which directly overlaps with the road improvement scheme”:

**AND WHEREAS** the developer and the planning authority failed to agree on the works that are admissible within the offset and the matter was referred by the developer to An Bord Pleanála on the 30<sup>th</sup> day of March, 2020 for determination:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 34(5) of the Planning and Development Act, 2000, as amended, hereby determines that the works in view are those works that have been undertaken by the developer to the L2455 public road only and that the basis for assessing the cost of these works includes land acquisition costs but not cartage and waste disposal cost.

## **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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**Dave Walsh**

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

**Dated this            day of            2020.**