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## Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 19/06939

**Appeal** by Ed Barry of Ballynanelagh, Knockraha, County Cork in relation to the application by Cork County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 38 of its decision made on the 30<sup>th</sup> day of June, 2020.

**Proposed Development:** The importation of soil and stone for the raising of an agricultural field in order to improve the agricultural output of the field, the construction of a new haul road and a new entrance, a Natura Impact Statement (NIS) has been prepared, all at Ballynanelagh, Knockraha, County Cork.

## Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 38 and directs the said Council to REMOVE condition number 38 and the reasons therefor.

## **Reasons and Considerations**

It is considered that condition number 38 attached to the permission granted under planning register reference number 19/6939 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 38 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.

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

**Dated this            day of            2021**