



Planning and Development Acts 2000 to 2020

Planning Authority: Cork City Council

Planning Register Reference Number: T.P. 13/35808

WHEREAS by Order dated the 27th day of November, 2014 An Bord Pleanála, under appeal reference number PL 28.243384, granted subject to conditions a permission to Cork County G.A.A. Board care of Malachy Walsh and Partners of Park House, Mahon Technology Park, Bessboro Road, Blackrock, County Cork for development comprising refurbishment and expansion of Pairc Uí Chaoimh and provision of a new All-Weather playing pitch at the Showgrounds, with ancillary works, as part of the creation of a Centre of Excellence, all at Pairc Uí Chaoimh, Monahan Road, Ballintemple, Cork:

AND WHEREAS condition number 20 attached to the permission required the developer pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000, as amended, in respect of improvements to street lighting along Monahan Road, Centre Park Road, Old Railway Line and the Marina, and the condition required that the amount of the contribution was to be agreed between the developer and the planning authority or, in default of agreement, the matter was to be determined by An Bord Pleanála:

AND WHEREAS the developer and the planning authority failed to agree on the amount of the special contribution in compliance with the terms of the condition and the matter was referred by the planning authority to An Bord Pleanála on the 15th day of September, 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, and based on the Reasons and Considerations set out below, hereby determines that the special contribution shall be €307,823 (three hundred and seven thousand, eight hundred and twenty-three euro).

Reasons and Considerations

In relation to condition number 20 of the Board's Order, the Board considered it reasonable, having regard to the nature, purpose and intent of the works as described in the condition, and having considered the full content of the file, including submissions from the planning authority and from the applicant, and having considered the interrogation of the various cost elements by the Planning Inspector, that the applicant should pay €307,823 towards the cost of the works, as calculated by the Inspector and as set out above. Specifically, the Board agreed with the recommended approach of the Inspector to apportionment of cost by reference to the night-time scenario generated by the permitted development and the related requirement for public lighting improvements. The Board also agreed with the Inspector that the consultancy costs set out by the planning authority and costs incurred by the planning authority in carrying out repairs to street lighting over the period 2014-2020, should be excluded from the final figure due under condition number 20 and that the applicable rate for inflation is the CSP Wholesale Price Index.

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 2021.