

An
Bord
Pleanála

Board Order
ABP-310687-21

Planning and Development Acts 2000 to 2020

Planning Authority: Cork County Council

Planning Register Reference Number: 18/04750

WHEREAS by Order dated the 17th day of April, 2019, An Bord Pleanála, under appeal reference number ABP-303233-18 (planning register reference number 18/04750), granted subject to conditions a permission to UHPC International Limited care of Portal Architects of Studio H2, Chapelizod Industrial Estate, Dublin for development comprising change of use of existing buildings on site (older Mill building, which is a Protected Structure and newer office building known as Block A) from a previous office use to use as a Primary Healthcare Centre for the Health Service Executive (HSE) and general medical doctors. The work requires demolition of an existing single storey link, staff catering building adjoining the Mill and sections of Block A (220 square metres). The development will also include a two-storey extension to Block A of (395 square metres) to a total of (2408 square metres), a new double height entrance lobby with coffee shop, five-storey lift serving the Mill and external steps together with a new two-storey building of (408 square metres), which will be used as a dispensary and medical aid area. Block A will also be altered by the removal of central floor area in the middle of the building to create a light well for improved ventilation and light. (Area included in above demolition calculation). The Mill building, which is a Protected Structure, will be refurbished. Work to the building will include

replacement windows, construction of a new slate roof and new service installation.

A Natura impact statement was submitted to the planning authority with the application.

The total existing floor area of the buildings on site is 3,223 square metres. Following these changes, it will be 4,112 square metres. The existing surface car park containing space for 274 cars will be resurfaced and laid out with parking spaces for 217 cars. The existing ESB substation will be retained. New building signage and new site signage will be installed. The existing vehicle access will be adjusted to allow for both pedestrian and cycle access and a new Mill Road boundary treatment and landscaping will remain as at present, all at Island Mills (Protected Structure), Mill Road, Fermoy, County Cork:

AND WHEREAS condition number 21 attached to that permission required the developer to pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended and the condition required that details of the application of the terms of the Scheme were 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 payable in compliance with the terms of the said scheme and condition and the matter was referred by the developer to An Bord Pleanála on the 28th day of June 2021 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 amount payable in accordance with condition number 21 of ABP-303233-18 is €43,534.33 (forty-three thousand, five hundred and thirty four euro and thirty three cent).

Reasons and Considerations

The Board noted that the Cork County Council Development Contribution Scheme provides for a 100% reduction for the provision of facilities by organisations, which are considered to be exempt from planning fees as outlined in Part 12 Article 157 of the Planning and Development Regulations 2001. In considering the wording of Article 157, the Board did not consider that the nature of the proposed development as a primary healthcare centre was provided for in Article 157. Furthermore, the Board considered that there were no other applicable exemptions within the Cork County Development Contribution Scheme.

In deciding not to accept the Inspector's recommendation to reduce the contribution to be paid by the developer to €3,918.09, the Board did not consider that the proposed development was provided for in Article 157 and therefore concluded that the proposed development could not avail of the 100% reduction provided for in the Cork County Development Contribution Scheme.

Matters Considered

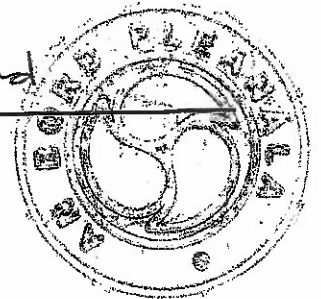
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

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



Dated this 6th day of Dec. 2021.