

An  
Bord  
Pleanála

**Board Order**  
**ABP 311694-21**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 21/06059**

**Appeal** by Hatley Homes Limited care of McCutcheon Halley Chartered Planning Consultants of 6 Joyce House, Barrack Square, Ballincollig, County Cork in relation to the inclusion of a special contribution condition number 17 by Cork County Council in its decision made on the 21<sup>st</sup> day of September, 2021.

**Proposed Development:** Modifications to 35 number permitted dwellings (currently under construction) by Cork County Council planning register reference number 06/11830 extended by planning register reference number 12/4124 and planning register reference number 17/6075. The proposed modifications consist of internal layout changes, omission of roof lights, omission of dormer window on the front elevation, omission of gable window, modifications to the elevations and façade and all ancillary site development works at Rathbeg, Abbey-Lands, Kinsale, County Cork.

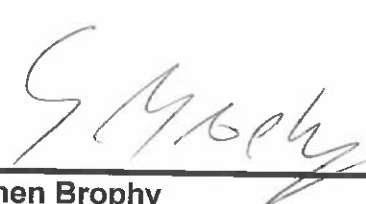
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## Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, based on the reasons and considerations under, directs the said Council, under section 48 (13) of the 2000 Act, to ATTACH condition number 17 and the reason therefor.

## Reasons and Considerations

It is considered that the provision of a footpath linking the entrance to the development from Bandon Road with the footpath leading to the town centre which commences to the south of the entrance to the GAA grounds constitutes specific exceptional costs not covered by the General Development Contribution Scheme, which would benefit the proposed development. It is also considered that the planning authority has demonstrated that the need for a special contribution on a pro-rata basis is justified given that the footpath would also benefit other schemes in the area and that the payment of €56,455 (fifty six thousand, four hundred and fifty five euro) as an apportionment of the overall costs would be appropriate in this instance. The special financial contribution as proposed by the planning authority for the provision of this facility would, therefore, come within the scope of Section 48(2)(c) of the Planning and Development Act, 2000, as amended, and accordingly, would be warranted.

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

Dated this 11<sup>th</sup> day of July 2023