



**An
Bord
Pleanála**

**Board Order
ABP-313072-22**

Planning and Development Acts 2000 to 2021

Planning Authority: Cork County Council

Planning Register Reference Number: 21/00606

Appeal by John Brendan Harrington of Leann an Oir, Whitebridge, Killarney, County Kerry 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 17 of its decision made on the 21st day of February, 2022.

Proposed Development: Construction of a dwelling house and all associated site works at Derrymihan West, Castletownbere, Beara, 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 17 and directs the said Council to REMOVE condition number 17 and the reason therefor.

Reasons and Considerations

The Board considered that the contribution of €5,000.00 imposed under condition number 17 as a special development contribution for the road and footpath improvements is not in accordance with the provisions of Section 48(2)(c) of the Planning and Development Act 2000, as amended. The Board considered that the planning authority had failed to adequately demonstrate specific exceptional costs proposed to be carried out relating to the contribution sought as required by section 48(12)(a) of the Planning and Development Act, 2000, as amended and determined that the condition should be removed.


Michelle Fagan

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

Dated this 25th day of July 2022

