



An
Bord
Pleanála

Board Order

ABP-314189-22

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 22/5038

Appeal by Paudie Sheahan of Mallow Contracts Limited, The Island, Burnfort, Mallow, 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 10 of its decision made on the 30th day of June, 2022.

Proposed Development: A new site entrance from Regional Road R618, and access road into the property, primarily to accommodate heavy goods vehicles accessing Carhoo Quarry and the permitted soil recovery site. The installation and use of a mobile wheel wash. The new entrance will require removal of roadside trees and shrubs to provide adequate sight lines, the erection of a 1.8-metre-high security fence and gate, the planting of screen hedging and erection of signage, all at Coolnagearagh Townland, Coachford, County Cork.

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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 10 and directs the said Council to REMOVE condition number 10.

Reasons and Considerations

Having regard to the nature and extent of the proposed development, which relates to the provision of a new site entrance and does not entail any intensification of the permitted development on the overall site, and the planning history of the site, specifically planning permission 20/4969, which included amongst others a special financial contribution of €21,000 towards road resurfacing works comparable to those described under condition 10 the subject of the appeal, and noting the submission of the planning authority which states that 'as the applicant no longer proposes to use the existing entrance, the contribution paid under planning applications 20/4969 and 20/6446 can be used to cover the cost of the contribution attached to the current planning', it is considered that the attachment of condition 10 would in this instance amount to a form of double charging and, therefore, its removal from planning permission 22/5038 is warranted.



Chris McGarry

Member of An Bord Pleanála

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

Dated this 10th day of November 2023.