



Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 234159

Appeal by Fournier Laboratories Ireland (Abbvie) care of McCutcheon Halley Chartered Planning Consultants of 6 Joyce House, Barrack Square, Ballincollig, 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 22, of the terms of the Supplementary Development Contribution scheme made for the area in respect of condition number 23, and the inclusion of Special Contribution condition number 21 in its decision made on the 30th day of March, 2023.

Proposed Development: Permission for the following, (i) demolition of one number existing modular building, (ii) relocation of two number existing modular buildings, (iii) partial demolition of the eastern and southern façade of the existing production building, (iv) construction of a single bay, two-storey extension to the existing production building for industrial use along the eastern side complete with new signage to the eastern and southern facades, (v) erection of two number two-storey modular buildings for office and welfare use and (vi) all associated site works at their existing production facility, at Fournier Laboratories Ireland (Abbvie), IDA Industrial Estate, Anngrove Townland, Carrigtwohill, County Cork.

The development is covered by an existing Industrial Emissions Directive License number P1046-01

Decision

The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations (1) set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition numbers 22 and directs the said Council to AMEND condition number 22 so that it shall be as follows for the reason stated.

The Board, in accordance with section 49 of the Planning and Development Act, 2000, as amended, considered, also based on the reasons and considerations (1) set out below, that the terms of the Supplementary Development Contribution Scheme for the area had not been properly applied in respect of condition number 23 and directs the said Council to AMEND condition number 23 so that it shall be as follows for the reason stated.

Furthermore, 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 (2) under, directs the said Council, under section 48 (13) of the 2000 Act, to REMOVE condition number 21 and the reason therefor.

22. Within three months of the date of this notice or at the discretion of the planning authority within such further period or periods of time as it may nominate in writing, the developer shall pay to the planning authority a financial contribution of €14,705.82. (fourteen thousand, seven hundred and five euro and eighty two cents) 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. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

23. Within three months of the date of this notice or at the discretion of the planning authority within such further period or periods of time as it may nominate in writing, the developer shall pay to the planning authority a financial contribution of €60,924.13 (sixty thousand, nine hundred and twenty four euros and thirteen cents) in respect of the Cobh/Middleton to Blarney suburban rail project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under Section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme may under Section 49 of the Act be applied to the permission.

Reasons and Considerations (1)

Having regard to the adopted Cork County Council Development Plan 2022-2028, and the Contribution Scheme within, and the nature and location of the proposed development, the Board considers that the attachment of conditions for both General and Supplementary contributions are warranted. The Board, however, considers that, given the substantive nature of the proposed development, which is an extension to an existing production facility, the "Non-Residential Development (Other)" class of contributions applies. The Board also considers a reduction of 75% of Roads charges applies to the proposed development, given a Supplementary Contribution is applicable. Having regard to the Development Contributions Guidelines for Planning Authorities" (2013), the Board considers that a reduced rate of 66% applies to the 10-year temporary permission for the two modular units. Consequently, conditions reflecting the General and Supplementary contributions should be amended.

Reasons and Considerations (2)

The planning authority has not demonstrated that there are specific exceptional costs (Cobh Cross upgrade, Junction 3 N25) that will be incurred directly in order to facilitate this particular project only. Cobh Cross Upgrade will serve a wide range of developments, including the wider Industrial Development Agency (IDA) Ireland Carrigtwohill Business and Technology Park, Fota Island/Great Island/Cobh Area, the settlement of Carrigtwohill and surrounding area. The Board is not satisfied, therefore, that the specific

financial contribution as proposed by the planning authority for such facility does come within the scope of Section 48(2)(c) of the Planning and Development Act 2000, as amended, and accordingly would be unwarranted.



Martina Hennessy

Member of An Bord Pleanála

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

Dated this 15th day of April 2024.