

Planning and Development Acts 2000 to 2022

Planning Authority: Cork City Council.

Planning Register Reference Number: 047674.

WHEREAS by Order dated the 6th day October, 2005, An Bord Pleanála, under appeal reference number PL04.212515 (planning authority register reference 04/7674), confirmed condition number 80 and amended condition number 81 attached to the planning permission granted to Ruden Homes Limited care of Cunnane Stratton Reynolds of Copley Hall, Cotter Street, Cork for the construction of a total of 554 number residential units comprising:

- (a) 45 number five-bed detached, eight number three-bed detached, 26 number four-bed semi-detached, 144 number three-bed semi-detached, eight number four-bed terraced, 292 number three-bed terraced and 31 number two-bed apartments,
- (b) one number creche (586 square metres),
- (c) one number shop (163.8 square metres),
- (d) associated car parking,
- (e) three number electricity sub-stations,
- (f) construction of a new vehicular and pedestrian entrance from the existing road on the northwestern frontage of the site,

- (g) a second entrance for vehicular and pedestrian access from the existing road at the western frontage of the site onto Matthew Hill crossroads, and
- (h) provision of bin storage, plant, landscaping/recreational amenities and all other site development and ancillary works.

On a site of 49.9 acres at Lehenagh Beg and Lehenagh More, Pouladuff, Togher, Cork.

AND WHEREAS condition number 81, as amended on appeal, required the developer to pay a special contribution in respect of road improvement works for an amount to be offset by the cost of works pursuant to condition number 52, attached to the planning authority's decision, which directly overlaps with the said road improvement scheme.

AND WHEREAS the developer and the planning authority failed to agree on the amount of contribution that is payable under condition number 81 and the amount of contribution that should be refunded to the developer, and so the matter was been referred by the developer to An Bord Pleanála on the 12th day of May 2023 for determination.


AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) The planning history of the site, including conditions attached to the relevant planning permission and the decisions of the Board relating to those conditions,
- (b) Sections 48, 48(2)(c) and 48(12) of the Planning and Development Act, 2000, as amended, and
- (c) submissions made by the referrer and the planning authority on the matters referred.

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, hereby determines that the special contribution in respect of the road improvement works as required under condition number 81 (part b) of the permission granted under 04/7674, and amended by the Board under PL04.212515, is:

- (i) payable in full and
- (ii) that the only reduction that should apply is in respect of the cost of the works to be offset against the works required by number condition 52 of the planning authority decision and which overlap the road improvement works to be carried out on the L2455 by the local authority.

The Board agreed that the amount of refund payable within the terms and conditions of the permission in respect of these offset works is €551,221.06 (five hundred and fifty one thousand and two hundred and twenty one euros and six cents) in accordance with the terms of Condition 81, as amended by An Bord Pleanála under PL04.212515 on the 6th day of October 2005.



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

Dated this *25th* day of *July* 2024.