

An  
Bord  
Pleanála

## Board Order ABP -318036-23

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 22/5800**

**Appeal** by Kevin O'Leary (Bandon) Limited care of Coakley O'Neill Town Planning Limited of NSC Campus, Mahon, 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 41 of its decision and in relation to the inclusion of special contribution condition number 40 by Cork County Council in its decision made on the 22<sup>nd</sup> day of August, 2023.

**Proposed Development:** (1) Demolition of existing filling station and construction of a new filling station comprising convenience retail store with a net retail floor area of 161.5 square metres. with an off licence for the sale of alcohol for consumption off the premises, and drive-thru restaurant incorporating seating and back of house area, eight number fuel pumps, canopy, car wash, outdoor seating area, and ancillary external bin storage; (2) demolition of existing CVRT centre and vehicle servicing building and partial demolition of existing car sales showroom and construction of a combined car sales showroom, vehicle servicing and CVRT centre in a single building, with associated new and used car sales display area; (3) modifications to existing entrances at both the Glasslyn road and the N71/ Bandon relief road to include decommissioning of one number entrance and widening of two number entrances; (4) revisions to the internal site layout to include new movement arrangements, provision of car parking, motorbike parking, and bicycle parking,

rearrangement of existing signage and construction of new signage; (5) construction of new bulk fuel fill points to the existing below ground fuel storage tanks and all other associated over ground and underground fuel infrastructure works; (6) construction of a backup generator compound and an ESB substation, and installation of rooftop solar panels on the filling station and car sales showroom/vehicle servicing/CVRT building; and (7) all associated drainage, site boundary, water services, lighting, site and development works; all at Irishtown, bound by Glasslyn Road to the north, N71/Bandon Relief Rd to east, Connolly Street to south, and undeveloped land and a small storage yard and shed to the west, Bandon, County Cork as amended by the revised public notice submitted to the planning authority on the 27<sup>th</sup> day of July, 2023.

## **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 REMOVE condition number 40 and the reason therefor.**

**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 41 and directs the said Council to AMEND condition number 41 so that it shall be as set out below for the reason stated.**

41. The developer shall pay to the planning authority a financial contribution of €72,883 (seventy two thousand eight hundred and eighty three euro) 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

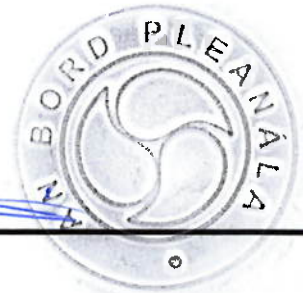
Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme 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.

## **Reasons and Considerations**

1. Having regard to the Cork County Council Development Contribution Scheme adopted in 2004, as amended from 1<sup>st</sup> day of January, 2015, and to section 48(2)(c) of the Planning and Development Act 2000, as amended, the Board decided that a special development contribution towards the installation of a pedestrian crossing on the N71 Bandon Relief Road has not been fully justified by the planning authority. Furthermore, the Board considered that such infrastructure is not specific to the proposed development or exceptional in terms of infrastructure or cost and such infrastructure is already included for within the general development contribution scheme.
2. Having regard to the updated plans and documentation submitted as part of the appeal and to the development contribution scheme rates applied under the Development Contribution Scheme, the Board calculated that the development contribution should be based on the revised documentation supplied on appeal, which specified the floor area of the CVRT/servicing use (non-retail) as 1142 square metres)

In relation to offset, the Board concurred with the planning authority that the Development Contribution Scheme allows for an offset in the calculation regarding the demolition/replacement element of the proposed development - "Only that part of the capital expenditure, which will benefit new development, is used in the calculation of the amounts to be met by the levies on new development".



**Liam Bergin**

**Member of An Bord Pleanála**

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

**Dated this 14<sup>th</sup> day of September 2024**