

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 23/6118

Appeal by Langan Materials Limited trading as Breedon Ireland care of SLR Environmental Consulting (Ireland) Limited of 7 Dundrum Business Park, Windy Arbour, Dublin against the decision made on the 24th day of April, 2024 by Cork County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: The construction of a new storage shed and an external paved yard to facilitate the importation, storage and processing of road planings with an application site of circa 1.0 hectares. The development will comprise -

Construction of an external yard comprising a reinforced concrete ground bearing slab (circa 2,032 square metres) to store and process imported road planings.

Construction of a portal frame storage shed (circa 2,053 square metres) to store processed road planings; and

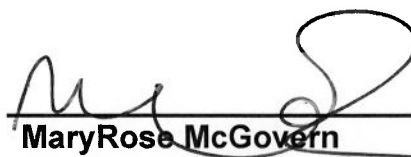
Installation of sub-surface drainage to collect surface water run-off which will discharge via a silt trap and hydrocarbon interceptor to the adjoining quarry floor (and to the ground thereafter) at Burgesland and Ballynabointra, Midleton, County Cork.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 17 and the reason therefor.

Reasons and Considerations

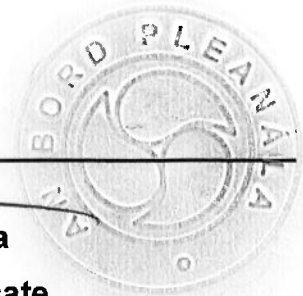
Having regard to Section 48(2)(c) and (12) of the Planning and Development Act 2000, as amended, the terms of the Cork County Council Development Contribution Scheme 2004, the detailed submissions on file from the applicant and the planning authority, the proposed development consisting of the construction of a new storage shed and an external paved yard, to facilitate the importation, storage and processing of road planings, and the basis for calculation provided by the planning authority, it is considered that the planning authority has not demonstrated that specific exceptional costs in terms of the upgrade of the junction of the N25 and L7648 would arise from this proposed development, or would benefit the proposed development, within the meaning of Section 48(2)(c) of the 2000 Act, as amended, but would instead provide a much wider benefit to the wider area. It is, therefore, considered that the special financial contribution as proposed by the planning authority for such works, does not come within the scope of section 48(2)(c) of the Planning and Development Act, 2000 and accordingly, would not be warranted.



Mary Rose McGovern

Member of An Bord Pleanála

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



Dated this 3rd day of June 2025