



An
Coimisiún
Pleanála

Commission Order

ABP-320775-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 24/338

Appeal by Maura Linehan care of Tim O'Connor Engineering Services Limited of Killaneetig, Ballinadee, Bandon, 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 29 of its decision made on the 15th day of August, 2024.

Proposed Development: Demolition of existing extension to existing dwellinghouse, refurbishment of existing dwellinghouse, construction of new extensions to existing dwellinghouse, installation of a wastewater treatment system and associated site works, all at Ardaturrish More, Glengarriff, Bantry, County Cork.

Decision

The Commission, in accordance with section 48 of the Planning and Development Act 2000, as amended, considered that, based on the reasons and considerations set out below, the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 29 and directs the said Council to REMOVE condition number 29 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, the detailed submissions on file from the applicant and the planning authority, the nature of the proposed development consisting of the demolition of the existing extension to the existing dwellinghouse, the refurbishment of the existing dwellinghouse, the construction of new extensions to the existing dwellinghouse, the installation of a wastewater treatment system and associated site works, and the basis for the calculation as provided by the planning authority, the Commission considered that, in respect of the planning authority works proposed to be carried out for the provision of surface repair, drainage and drain clearance and treatment required to the western junction with the N-71, the planning authority has not demonstrated that specific exceptional costs would arise from the proposed development, or that such works would benefit the proposed development within the meaning of Section 48(2)(c) of the Planning and Development Act 2000, as amended, and would not instead provide a wider benefit to the wider area, or further, that the planning authority has not demonstrated that these works are not included in the planning authority's General Contribution Scheme. 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, as amended, and, accordingly, would not be warranted.

In deciding not to accept the Inspector's recommendation to amend condition number 29, the Commission agreed with the Inspector that works to the road fronting the site remain the responsibility of the planning authority. The Commission noted from the planner's report that the Area Engineer's assessment did not raise any significant issues in relation to access to the site, and it, therefore, disagreed with the Inspector that the proposed works are necessary to facilitate a safe access to the dwellinghouse.



MaryRose McGovern

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this *25th* day of *June* 2025.