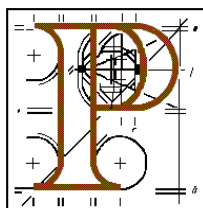


An Bord Pleanála



Inspector's Additional Report

Proposed Development: Permission for the demolition of existing single storey hospital blocks nose 1, 2, and associated ancillary structures, the construction of a two and three storey primary care centre, the construction of a new surface car park, revised layout to main entrance from Bakers Road, ancillary site works and all associated external works and all associated external works on the grounds of St. Mary's Health Campus, Gurrabraher, Cork.

Planning Application

Planning Authority: Cork City Council
Planning Authority Reg. Ref.: 15/36336
Applicant: HSE
Type of application: Permission
Planning Authority Decision: Grant planning permission

Planning Appeal

Appellants: HSE
Observers: None
Type of appeal: First Party against development Contribution
Site Inspection: 7th December, 2015

Inspector: A. Considine

1.0 PURPOSE OF ADDITIONAL REPORT

1.1 Following the completion of my previous report, on the 8th day of December, 2015, the First Party made a further submission to An Bord Pleanala on the appeal, on the 10th December, 2015.

1.2 The submission maintains that the financial contribution levied to Condition 14 of the decision to grant planning permission is disproportionate, does not take account of either the apportionment of the costs to rectify existing conditions outside the applicants control or the financial contribution levied under Condition 13 which includes a contribution for Class 1 Roads, Transport Infrastructure and Facilities.

2.0 SUBMISSION DETAIL

2.1 Extent of works:

- The breakdown of costs prepared by Cork City Council, and aside from a series of headline cost items, the costings submitted do not include any details of the scope of the works to be undertaken or what was costed.
- Without a design, or a preliminary sketch to define the extent of the works required, an accurate costing exercise could not be undertaken.
- The applicants Design Team have prepared a preliminary design for the junction addressing the provision of a signalised junction and denoting the extent of associated works.
- Based on the preliminary design, the estimated cost of works is €79,000, including VAT. Permission is sought for the demolition of existing single storey hospital blocks nose 1, 2, and associated ancillary structures, the construction of a two and three storey primary care centre, the construction of a new surface car park, revised layout to main entrance from Bakers Road, ancillary site works and all associated external works and all associated external works on the grounds of St. Mary's Health Campus, Gurrabraher, Cork.

2.2 Provision of signalised junction:

- A significant constraint for the junction onto Baker's Road is unauthorised perpendicular parking in front of retail units adjacent to the junction.
- It is submitted that the provision of a signalised junction not only serves the development but also serves to rectify existing enforcement issues outside the appellants control therefore, the appellant should not be liable for the full extent of associated costs.

2.3 Apportionment of associated costs:

- The appellant is amenable to contributing financially to achieving the overall objective of improving general traffic and pedestrian safety infrastructure.
- The financial contribution required in Condition 14 does not take account of either the apportionment of the costs to rectify existing conditions outside the appellants control or the financial contribution of €383,749.22 levied under Condition 13.

3.0 FURTHER ASSESSMENT

3.1 I refer the Board to my primary report in relation to the assessment of the appeal. By way of summary, the following is considered relevant:

- Condition 13 requires the payment of a development contribution in the amount of €383,749.22 to Cork City Council
- Condition 14 requires the payment of a special development contribution in the amount of €250,000 in respect of specific exceptional costs which have been or will be incurred in respect of upgrading the junction of St. Mary's Health Campus with Baker's Road, being public infrastructure and facilities which will benefit the proposed development.

3.2 The Planning Authority submitted a letter to the Board in response to this first party appeal. The contents provide a breakdown of the contribution calculations as requested by the Board. The total is indicated at €250,127.21 and includes all relevant costs, extras and VAT.

3.3 Condition 14 requires the payment of a Special Development Contribution with respect to *the specific exceptional costs which will be incurred in respect of upgrading the junction of St. Mary's Health Campus with Baker's Road, being public infrastructure and facilities which will benefit the proposed development.* The Planning Authority submits that the specified works are not provided for in the general Development Contribution Scheme and that the development will benefit directly from same. I have already considered the detail of the Development Contribution Scheme and I am satisfied that the detailed works here proposed, are not provided for within the General Development Contribution Scheme. Section 48(2)(c) provides that:

A Planning Authority may, in addition to the terms of a scheme, require the payment of a special contribution in respect of a particular development where specific exceptional costs not covered by a scheme are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development.

3.4 'Special' contribution requirements in respect of a particular development may be imposed under section 48(2)(c) of the Act where specific exceptional costs not covered by a 'general' scheme are incurred by a local authority in the provision of public infrastructure and facilities which benefit the proposed development. Because such a condition must be amenable to implementation under the terms of section 48(12) of the Act it is essential that: -

- (a) the nature / scope of works and the expenditure involved are specified in the condition, and
- (b) the basis for the calculation, including how it is apportioned to the particular development, is explained in the planner's or other technical report on the application.

I am satisfied that the condition clearly specifies the nature and scope of the works. In addition, the Board will note the Planning Authority's submission in relation to the breakdown of the costs associated with the signalling of the junction of St. Mary's Health Campus with Baker's Road. In this regard, I am satisfied that the Planning Authority has adequately provided for the above specifics, and in that regard, the stated condition 14 is amenable to implementation under the terms of section 48(12) of the Act, and should be retained.

- 3.5 The principle of the condition is, therefore, acceptable. The First Party in the most recent submission has presented costings as well as a preliminary design for the works to be undertaken. The estimated cost presented in this case is €79,000 including VAT. This figure is significantly smaller than the figures presented by Cork City Council, and without any designs or drawings for the works. In this regard
- 3.6 Condition 14 of the grant of planning permission requires the payment of €250,000, or essentially the full cost of the works as costed by Cork City Council, to be carried by the applicant. While I accept that the First Party has no objection in principle to contributing to the overall cost of the works, the Board might consider whether it is reasonable that they should be liable for the full burden of costs. From the information now before the Board, I would suggest that the original figure of €250,000 appears excessive. I also acknowledge that the first party and the subject development will not be the only parties to benefit from the proposed works and the provision of a signalised junction. I would therefore, not support the attributing of the full cost of the works to the First Party as required by the Planning Authority. In this regard, I would suggest that a figure somewhere between the first party costings and a maximum of €100,000 would be more appropriate, give the disparity in the costings presented by both parties, but also, the lack of any design or drawings to support the City Councils figures.
- 3.7 I also accept the submission of the First Party in relation to the contribution required under Condition 13 of the grant of permission, in the amount of €383,749.22, but would restate that the works the subject of the 'Special Development Contribution' have been considered not to be covered by the 'General Scheme'.

4.0 CONCLUSION & RECOMMENDATION

4.1 Conclusion:

Having regard to the nature of this appeal and the proposed development, and in accordance with section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010, I consider that, the terms of the Development Contribution Scheme for the area have been properly applied in respect of the proposed development. In terms of the amount of the Special Development Contribution required under condition number 14, the condition clearly specifies the nature and scope of the works and

associated costs of works and explains the basis of the calculation in the documentation provided. In this regard, the imposition of condition 14 is in accordance with the requirements of section 48(12) of the Planning & Development Act 2000 - 2010.

4.2 Recommendation:

I recommend that the Planning Authority be directed under subsection (13) of section 48 of the Planning and Development Act, 2000, as amended by section 30 of the Planning and Development Act, 2010 to attach condition no. 14 and the reasons therefore, for the Reasons and Considerations set out below.

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, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for Cork City Council had been properly applied in respect of condition number 14 and directs the said Council under subsection (13) of section 48 of the 2000 Act, to ATTACH condition number 14 and the reasons therefore.

REASONS AND CONSIDERATIONS

Having regard to the provisions of Section 48 of the Planning and Development Act, 2000, to the provisions of Cork City Council Development Contribution Scheme for Cork City Council, together with the information provided by the Planning Authority in relation to the calculation of the Special Development Contribution amount, the board considered that the planning authority has correctly interpreted the contribution scheme and that the imposition of condition 14 is in accordance with the requirements of section 48(12) of the Planning & Development Act 2000 - 2010.

A. Considine

Planning Inspector,
8th January, 2016