



An
Bord
Pleanála

Inspector's Report

PL04.247704.

Development	Demolish stadium structures and construct 4/5 storey office building and café/restaurant. To be constructed in two phases.
Location	Former FAI Grounds, Ballinaspig More, Curraheen, Co Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	16/6301.
Applicant(s)	Soltaz Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	First Party versus condition (Development Contribution).
Appellant	Soltaz Ltd.
Observer(s)	None.
Date of Site Inspection	16 February 2017.
Inspector	Stephen Rhys Thomas.

1.0 Site Location and Description

- 1.1. The appeal site is located close to Junction 2 on the N40, west of Cork City. Access is via an existing slip road (L2262) off the N40 Interchange. Which also provides access to the UCC Sports grounds to the east and terminates at the Greyhound Stadium immediately to the north.
- 1.2. The site is located within the proposed Cork Science and Innovation Park for which a framework masterplan has been drawn up. The Park is to cover an area in the region of 100 hectares and is located to the west of Cork City between Bishopstown and Ballincollig. The lands covered by the plan are predominantly in agricultural pastureland. There are significant areas devoted to recreation/leisure uses associated with the greyhound track, the former football grounds (appeal site) to the west and the sports grounds/leisure facilities attached to 3rd level colleges to the north and south.
- 1.3. The appeal site is currently occupied by soccer grounds and associated stand which was previously used by Cork City Football Club. The perimeter of the grounds is delineated by fencing with surface car parking in use to the south of the stand. The access road from the above referenced slip road partially bounds the grounds to the south.

2.0 Proposed Development

- 2.1. Permission was sought for:
 - Demolition of former FAI stadium and redevelopment of the grounds as part of the Cork Science and Innovation Park.
 - Construction of a 4/5 storey office building (16,892 sq.m) and a single storey restaurant (178 sq.m). The gross floor area amounts to 17,070 sq.m.
 - Car parking, new vehicular access and landscaping.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 68 conditions, the relevant condition is set out in its entirety below:

Condition 22:

At least one month before commencing development or at the discretion of the Planning Authority within such further period or periods of time as it may nominate in writing, the developer shall pay a special contribution of €768,150.00 to Cork County Council, updated monthly in accordance with the Consumer Price Index from the date of grant of permission to the date of payment, in respect of specific exceptional costs not covered in the Council's General Contributions Scheme, in respect of works proposed to be carried out, for the provision of upgrading the N40 Curraheen Interchange and introducing CSAIP Phase 1 Infrastructure on site. The payment of the said contribution shall be subject to the following: - (a) where the works in question — (i) are not commenced within 5 years of the date of payment of the contribution (or final instalment if paid by phased payment), (ii) have commenced but have not been completed within 7 years of the date of payment of the contribution (or final instalment if paid by phased payment), or (iii) where the Council has decided not to proceed with the proposed works or part thereof, the contribution shall, subject to paragraph (b) below, be refunded to the applicant together with any interest which may have accrued over the period while held by the Council. (b) Where under subparagraphs (ii) or (iii) of paragraph (a) above, any local authority has incurred expenditure within the required period in respect of a proportion of the works proposed to be carried out, any refund shall be in proportion to those proposed works which have not been carried out. (c) payment of interest at the prevailing interest rate payable by the Council's Treasurer on the Council's General Account on the contribution or any instalments thereof that have been paid, so long and in so far as it is or they are retained unexpended by the Council.

Reason: It is considered appropriate that the developer should contribute towards these specific exceptional costs, for works which will benefit the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Basis for the planning authority decision. Report includes:

- The Planner's Report notes that the proposed development is similar to that previously refused by the Board. The phasing strategy put forward by the applicant is noted and assessed in conjunction with the masterplan and recently permitted development (UCC). Accordance with the CSAIP masterplan forms the basis for the assessment.
- A detailed assessment is made of the traffic and transport implications of the proposal. A schedule of works necessary to facilitate the development is provided. The calculation of the general contribution scheme and a special contribution is shown.
- The proposal was screened for AA, no significant impact to an SAC or SPA and EIA was considered unnecessary.
- The Senior Planner concludes in agreement with the planning report and highlights milestone developments in the implementation of the CSAIP masterplan and agrees with the attachment of contribution conditions.

3.2.2. Other Technical Reports

Non-National Road Design Office (NRDO), Cork County Council. The report sets out milestones already met in relation to the implementation of the Masterplan objectives. Traffic modelling (micro-simulation VISSIM in 2014) was developed and recorded additional traffic resulting from the implementation of the CSAIP at the Curraheen Interchange. To improve the performance of the N40 Interchange works are required: new dedicated left turn lane, road markings and new two lane approaches. The traffic modelling developed in 2014 was applied to the Soltaz proposal and improvements to the Curraheen Interchange were recommended.

Area Engineer. No objections

Environment Department. Attachment of standard technical conditions.

Environment Department (Waste Management). Attachment of standard technical conditions with regard to a waste management and control of nuisance.

Archaeologist. No objections.

County Architect. The report recommends repositioning the café within a square or plaza rather than within a car park.

3.3. Prescribed Bodies

Irish Water. Attachment of standard technical conditions.

HSE Environmental Health Office. Attachment of standard technical conditions.

Transport Infrastructure Ireland. The development shall accord with the recommendations of the Transport Traffic Assessment and Road Safety Audit. The recommendations of the Mobility Management Plan shall be implemented. The upgrade to the Curraheen Interchange shall be carried out without cost to the TII.

HSA. The HSA does not advise against the proposed development subject to assessment of the proposal in accordance with 'Policy & Approach of the Health & Safety Authority to COMAH Risk-based Land-use Planning (19 March 2010)'.

An Taisce. The report recommends that the Council have regard to the previous refusal on the site and that regard is had to the CSAIP Masterplan, County Development Plan and national transport policies.

3.4. Third Party Observations

A third party submission highlights the importance of phasing, precincts and delivery of infrastructure within the masterplan. Concern is raised in the submission by landowners in relation to future investment in farm technology as a result of the uncertainty of the masterplan delivery.

4.0 Planning History

Planning register reference number 14/05746, An Bord Pleanála reference PL04.244896. Permission refused for the demolition of stadium and construct 4/5 storey office building and café/restaurant. September 2015.

Nearby sites.

Planning register reference number 15/6689. Permission granted for a four storey office development. March 2016.

An Bord Pleanála reference PL04.HA0047. Approval of a 2,100 metre road linking the existing N40 Curraheen Interchange with an existing roundabout located within the Cork Institute of Technology campus. December 2014.

5.0 Policy Context

5.1. Development Plans

Cork Science and Innovation Park Framework Masterplan 2011 (CSAIP)

The CSAIP is a non-statutory adopted masterplan document which sets out to guide the development of the plan lands. In my assessment I have referred interchangeable to the CSAIP as the masterplan and vice versa. I note that documents produced by the applicant and officials of the Council refer to the document as either the CSIP or the CSAIP.

Executive Summary - paragraph xv. Development Contributions:

Contributions payable in respect of developments within the Cork Science and Innovation Park will include the following:

- Cork County Council's General Contribution Scheme, provided for under Section 48 of the Planning and Development Act, 2000.
- Special Development Contributions, provided for under Section 48 of the Planning and Development Act, 2000.

All developments within the masterplan site shall be subject to both the General and Special Development Contribution Schemes.

Special Contributions shall be allocated on a pro-rata basis, linked to the benefit accruing to the development from the works undertaken to facilitate that proposed development.

Section 19 - Development Contributions:

The overall budget costs of infrastructure provision to serve the Cork Science and Innovation Park, as well as the relevant contribution scheme, are as follows:

Acquisition of lands For Access Road / Services	To be Determined	Special Contribution
Other Sundry Costs (including landscaping, alterations to CIT carpark, relocation of CIT attenuation pond, service provider costs etc.)	€450,000	Special Contribution
Site Supervision Costs	€640,000	Special Contribution
Contingencies (at 7.5% of estimated construction cost)	€750,000	Special Contribution

Summary of Budget Cost Plan

Item & Undertaken By	Cost €	Contribution Scheme
Consultant Fees/ Advance Exploratory Studies <i>Cork County Council</i>	€1,080,000	Special Contribution
Access Road & Bridges <i>Cork County Council</i>	€8,120,000	Special Contribution
Water Supply <i>Cork County Council</i>	€2,070,000	General Contribution Scheme
Foul Sewer <i>Cork County Council</i>	€1,380,000	General Contribution Scheme
Storm Sewer <i>Cork County Council</i>	€230,000	General Contribution Scheme
Attenuation of Central Flood Risk Area - Waterbody <i>Cork County Council and/or Precinct Developer</i>	€1,600,000	Special Contribution
Vehicle Access Capacity	To be Determined	Special Contribution

Note 1: Having regard to the long term nature of the project, the early stage in the planning process and the options available, the above funding costs are based on preliminary estimates and are subject to changes as the project progresses and the project costs become more certain.

Carrigaline Electoral Area LAP 2011

The Cork Science Innovation Park

Paragraph - 2.4.38. Issues also arise regarding the future funding of common infrastructure and facilities on this strategic site that is in multiple ownerships. At the appropriate stage, consideration will be given to the use of the County Council's powers under sections 48 and 49 of the Planning and Development Acts to use the system for 'Development Contributions' to secure appropriate contributions from developers to offset this expenditure.

5.2. Contribution Scheme

Cork County Council Development Contribution Scheme 2004, updated rates effective from 1st January 2015.

Office and Retail - €48.97 per sq.m.

Breakdown of Development Contribution Scheme (€per sq.m.):

Roads – 42.86 Amenity 6.11 Total = 48.97

5.3. Development Management Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government 2007.

- 5.3.1. 'Special' contribution requirements in respect of a particular development may be imposed under section 48(2)(c) of the Planning Act where specific exceptional costs not covered by a scheme are incurred by a local authority in the provision of public infrastructure and facilities which benefit the proposed development. A condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act; therefore it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the

particular development. Circumstances which might warrant the attachment of a special contribution condition would include where the costs are incurred directly as a result of, or in order to facilitate, the development in question and are properly attributable to it. Where the benefit deriving from the particular infrastructure or facility is more widespread (e.g. extends to other lands in the vicinity) consideration should be given to adopting a revised development contribution scheme or, as provided for in the Planning Act, adopting a separate development contribution scheme for the relevant geographical area. Conditions requiring the payment of special contributions may be the subject of appeal.

5.4. **Development Contributions Guidelines for Planning Authorities**, Department of the Environment, Community and Local Government 2013.

5.4.1. These guidelines provide advice on the preparation of General Development Contribution Schemes.

5.4.2. A key message of the guidelines is stated: - While it is expected that planning authorities will ensure that developers make an appropriate contribution towards the costs of public infrastructure and facilities, the local authority must ensure that it avoids levying development contributions that are excessively high – development contributions are ultimately designed to offset only a portion of the costs of public infrastructure and facilities.

5.5. **Natural Heritage Designations**

The appeal site is located approximately 7.7 kilometres west of the Cork Harbour SPA (site code 004030).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The first party appeal against the Financial Contribution only as attached under Condition 22 has been prepared and submitted by HW Planning on behalf of the applicant Soltaz Limited. The Board is requested to remove Condition 22 or significantly reduce the amount to reflect a proportionate contribution to the upgrade

of the Curraheen Interchange which will benefit the proposed development. The detailed appeal may be summarised as follows:

- The applicant accepts their obligation to pay a contribution under the Development Contribution Scheme for the County.
- There is no breakdown of costs to justify the attachment of a Special Contribution. It is unclear how the contribution of €768,150 was arrived at, and what proportion of the CSAIP infrastructure is to be offset. There is no indication what proportion of public funds will be used to invest in the CSAIP project.
- The applicant has no objection to contributing to the Curraheen Interchange (condition 21 refers), however, the costs should be proportionate, transparent and equitable.
- Condition 22 is at odds with the spirit of development contributions as outlined by Development Contributions – Guidelines for Planning Authorities 2013, the need to find the balance between funding infrastructure and encouraging economic development.
- The applicant cites the Planning Inspectors Report (ABP 04.HA0047 refers) for the overall CSAIP Project. The CSAIP Infrastructure Project is in effect a roads project. The primary purpose of the road project is to open landlocked sites and that Precinct 1 could proceed without the need for the road.
- No assessment has been made as to the timing of upgrades to the Curraheen Junction during Phase 1 or a timescale for the CSAIP Infrastructure Project.
- The applicant fails to understand the benefit to their proposal from the Roads Project which will provide an alternate link to the CIT and unlock other sites along its length.

6.2. Planning Authority Response

The planning authority requests that the board retain condition 22, in order to ensure the viability of the whole CSAIP project. Notwithstanding, practice in other local authorities, Cork County Council adopted a general scheme which allows for the charging of a special contribution where exceptional specific costs are not covered.

In addition, under section 19 of the CSAIP, it states that developments will be subject to both the general scheme and a special contribution. The CSAIP Masterplan was adopted by Councillors in 2011 and so therefore the special contribution component of the plan is equitable and transparent.

The justification for the special contribution which would assist minor modifications to the Curraheen Interchange were demonstrated by studies carried out for the Masterplan and incorporated into Phase 1 requirements to accommodate 42,420 sq.m. of development floor space. Therefore, in order to comply with the phasing arrangements of the Masterplan, these upgrades are necessary despite the applicant's contention that their proposal could proceed without upgrades to the interchange. In addition, traffic modelling for the Masterplan, concluded that an interchange upgrade was required in order to facilitate the development quantum proposed. With specific reference to the Soltaz application, recent traffic modelling confirms that an upgrade to the interchange is desirable and will eliminate traffic queuing if Phase 1 proceeds.

The modelling information submitted provides the justification for necessary infrastructural improvements. Phase 1 developments cannot proceed until interchange upgrades are completed. Of note is that a similar special contribution was levied with respect to a Phase 2 development (PA reference 15/6689) and was not appealed.

With respect to the timescales of the CSAIP Infrastructure Project, Cork County Council have served 'Notices to Treat' on the various landowners. The commencement of the CPO process confirms that the project has begun and a timescale established. The Council is committed to the CSAIP project and a list of project milestones have been submitted. Specifically, a Special Contribution report has been compiled with up to date project cost estimates, prepared by Mott Macdonald Ireland (MMI), October 2014.

The infrastructure project is more than a link road to CIT, which in any case is only linked into the CSAIP area by means of a restricted pedestrian/cycle/public service vehicle access route. The proposed roadway is not oversized and has been designed to DMURS standards. Furthermore, the use of the roadway is restricted by conditions attached to the Boards decision (ABP PL.04.HA0047 refers). The

applicant's development will directly benefit from the proposed works as will other landowners in the plan area. Hence the levying of both general and special contributions in all cases.

6.3. Further Responses

The applicant has responded to the planning authority's comments by amplifying the contents of the grounds of appeal, new comments are as follows:

- The Council have still not outlined a clear and concise breakdown of the specific exceptional costs.
- By the Council seeking to meet the entire cost of infrastructure for the CSAIP project, they are failing to meet legislative requirements and the Development Contribution Guidelines for Planning Authorities - 2013.
- The use of a Supplementary Development Contribution Scheme (Section 49) would seem more appropriate to the funding of the CSAIP project, rather than a Special Contribution.
- The use of the CSAIP Framework Masterplan to justify a Special Contribution is incorrect. In addition, the application of a blanket rate of €45 per sq.m. is contrary to the Masterplan aims of facilitating development precinct by precinct.
- The appellant accepts that the infrastructure upgrade which will benefit their development is restricted to vehicle capacity upgrades.
- The applicant therefore, is willing to pay their share of interchange upgrades; which they believe amounts to €500,000.00. Given the floor area of their development set against the overall gross floor area of the Masterplan, the applicant calculates that their contribution should amount to €25,000.00.

7.0 Assessment

- 7.1.1. This is a first party appeal solely against a special development contribution condition (condition 22) attached to the decision by Cork County Council to grant permission for the proposed development and no other appeals have been lodged.
- 7.1.2. Section 48 (13) of the Planning and Development Act 2000 (as amended) states that an appeal that *relates solely to a condition dealing with a special contribution and no appeal is brought by any other person under Section 37 of the decision of the planning authority under that section, the Board shall not determine the relevant application as if it had been made to it in the first instance but shall determine only the matters under the appeal.*
- 7.1.3. The key issue in this appeal, therefore, is whether or not the costs as set out in Condition 22, properly constitute specific exceptional costs, not covered by a general development contribution scheme and which would be incurred by the local authority in respect of public infrastructure and facilities which benefit the proposed development.
- 7.1.4. In my assessment of the appeal I refer to the Cork County Council Development Scheme 2004, as the 'general scheme'. The scheme was most recently updated in January 2015. When reference is made to the Act, the relevant Act is the Planning and Development Act 2000 (as amended).

7.2. Special Development Contribution (Condition No 22)

- 7.2.1. Condition 22 requires the developer to pay a special contribution of €768,150.00 towards apparatus upgrading of the N40 Curraheen Interchange and introducing CSAIP Phase 1 Infrastructure on site.
- 7.2.2. The applicant submits that there is no breakdown of costs to justify the special contribution, it is unclear how the figure of €768,150.00 was arrived at and what proportion of the CSAIP will be funded. The applicant maintains that condition 22 does not find a balance between funding infrastructure and encouraging economic development. The CSAIP infrastructure project is in effect a roads project to unlock sites in the plan area. The applicant's site can be developed without new road infrastructure.

7.2.3. Cork County Council state that the attachment of a special contribution condition aligns with the provision of the CSAIP masterplan which signalled to developers that Section 48(2)(c) contributions would be applied to all planning permissions. The masterplan was adopted by Councillors and therefore the attachment of condition 22 is equitable and transparent. Recent traffic modelling has indicated that upgrade of the Curraheen Interchanges would eliminate traffic queuing if Phase 1 proceeds. The planning authority cites a nearby permitted development where a special contribution was applied and accepted by the applicant. The planning authority conclude that works are required to facilitate the proposed development, that the Council is committed to the overall masterplan project and roadway required to open lands is not simply a link road to the CIT.

7.3. **Wording of Condition 22**

7.3.1. In the first instance, it is necessary to test if the drafting of condition 22 is in accordance with the requirements of the Act, specifically section 48(12)(a) which states:

(12) Where payment of a special contribution is required in accordance with subsection (2) (c), the following provisions shall apply —

(a) the condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates,

In this regard, the local authority has stated that the works proposed to be carried out are for the provision of upgrading the N40 Curraheen Interchange and introducing CSAIP Phase 1 Infrastructure on site as being necessary. Further clarification on the extent and necessity of works needed to facilitate the development, include the Planning Report and the report of the Non-National Road Design Office (NRDO), Cork County Council, which set out in detail the rational and reasons for upgrades to the Curraheen Interchange.

7.3.2. I am reassured that traffic modelling has taken account of the subject proposal and results in a reasoned need for improvements to the interchange. A calculation of the contribution to be charged is shown, however, a breakdown of costs has not been presented and apportioned to the proposed development in the decision of the planning authority. I acknowledge that the CSAIP Masterplan unequivocally states that Special Contributions will be allocated on a pro-rata basis to all permissions as

well as contributions in accordance with the general scheme. A table which summarises budget costs is provided in the masterplan and details works, costs and which contribution scheme will be apportioned to each item. In this respect I note that works have been costed and apportioned to either Special or General Contribution Scheme, however, some works such as Vehicle Capacity Upgrade (Phase 2) have not been determined. This may have created doubt for the developer as to how special contributions are arrived at. A matter recently clarified by the planning authority in their detailed submission to the Board with reference to this appeal. I am satisfied that the planning authority's submission adequately addresses what works are required and shows a breakdown of costs.

- 7.3.3. On balance, the local authority has complied with the requirement of the Act to specify the particular works. The condition is therefore, in accordance with the provisions of section 48(12)(a) of the Act.

7.4. Condition 3 in accordance with section 48(2)(c) of the Act?

- 7.4.1. The next question arises as to accordance with section 48(2)(c) of the Act, which states:

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.

- 7.4.2. Firstly, it must be demonstrated that the specific exceptional costs are not covered in the terms of the general scheme. The general scheme outlines rates with respect to Roads and Amenity (January 2015). However, in 2011, the Council published a masterplan (CSAIP) which was adopted by elected representatives and which states that there will be specific exceptional costs likely to be incurred by the County Council that will benefit the overall development. Section 19 of the masterplan sets out in detail how the overall project will be funded, works and costs are outlined and this provides a level of certainty to developers. Section 11 details phasing and what types of infrastructure will be required within each phase and each precinct. Of note is that Vehicle Capacity Upgrade Works are considered to be Phase 1, 2 and 3 requirements for all precincts. In addition, I note that the plan states that the final

findings of transportation studies may result in some changes to the masterplan without formal amendments.

7.4.3. After careful consideration of the masterplan in relation to phasing, the application of the general scheme and special contributions, I find that an estimate can be made. In this respect using *Table 1 Target Development Floor Areas* of section 13 *Mobility* and totalling the budget cost plan contained in section 19 *Development Contributions*, the following can be calculated:

- Total development floor area across the masterplan area – 363,350 sq.m.
- Total costs assigned to Special Contribution – €12,640,000*
- €12,640,000 ÷ 363,350 sq.m. = €34.79 sq.m.
- **Not all costs have been determined.*

7.4.4. In my mind the masterplan sets out a realistic breakdown of costs which can be apportioned to developments across gross floor areas within the entire masterplan area. Though my rudimentary calculation, based upon 2011 costs falls short of the rate charged by the Council, this can be explained by recent traffic modelling which highlights the need for interchange upgrade. In any case the masterplan warns that costs are based on preliminary estimates and are subject to changes as the project progresses and the costs become more certain. Finally, I note the planning authority's submission which sets out a detailed and updated (October 2014) breakdown of costs, which returns a Special Contribution rate of €45 per sq.m. of gross floor area. This figure is based upon the construction of the N40 interchange and new access road linking the N40 with CIT and amounts to €16.3m. This is the total cost of infrastructure which would facilitate much more than the applicant's development and are therefore not specific to the applicant's development proposal.

7.4.5. I cannot see how the foreseen and meticulously planned for infrastructure costs have not been covered in the terms of a Supplementary Development Contribution Scheme under Section 49 of the Act, or at the very least within the general scheme. The discussion of fair apportionment is therefore increasingly a moot point.

7.4.6. Secondly, with reference to section 48(2)(c) of the Act, and with respect to public infrastructure and facilities which would benefit the proposed development, I note that the Curraheen Interchange on the N40 already exists and serves existing

development in the vicinity. I understand that the quantum of development planned for by the masterplan and proposed by the applicant will place a significant burden on the efficiency of the existing infrastructure and will likely cause traffic queuing. A scenario which can be managed if junction upgrades are completed. There appears to be agreement between both parties that junction upgrades must happen in order to facilitate development.

- 7.4.7. The infrastructural improvements required to be funded will directly benefit and facilitate the proposed development and have been framed in the CSAIP masterplan. However, the interchange upgrades will also pave the way for future development. In my view the benefit deriving from the improvement of the interchange will be more widespread. In this respect I question whether consideration should be given to amending the general scheme or the preparation of a Supplementary Development Contribution Scheme for this geographical area.
- 7.4.8. Given the foregoing, I consider that the works mentioned in condition 22 cannot be considered as specific exceptional costs not covered in the general scheme and the works would not solely benefit the proposed development. Therefore, condition 22 is not in accordance with section 48(2)(c) of the Act, the condition is neither necessary nor warranted.

7.5. Other Issues

- 7.5.1. I note the further comments made by the applicant with respect to the appropriateness or otherwise of using Special Contributions to support the CSAIP project. I note too, the applicant's assertion that a Supplementary Development Contribution Scheme is perhaps a more appropriate vehicle for the delivery of key Masterplan infrastructure. In this respect, I would urge the Board to consider whether or not the Council have correctly used the facility of Section 48(2)(c) of the Act. It appears to me that the Council have produced a detailed analysis of the infrastructure costs associated with the CSAIP project and they are substantial. In this respect the key message of recent Development Contribution Guidelines with respect to the avoidance of levying too high a contribution seems to have been put aside by the Council. The CSAIP and its in depth Development Contribution analysis seems more akin to a Supplementary Development Contribution Scheme.

- 7.5.2. It may be that if the Council are seeking to fund necessary infrastructure for an entire Masterplan area, then perhaps a more appropriate and transparent approach would be to draw up a Supplementary Development Contribution Scheme in accordance with Section 49 of the Act. In this regard and given the foregoing, the Board may be minded to reduce the special contribution or omit it altogether.

8.0 Recommendation

- 8.1. Having reviewed the application documents, the grounds of appeal, the planning authority's development contribution scheme, the Cork Science and Innovation Park Framework Masterplan 2011, the submission of the planning authority and having regard to Section 48 of the Planning and Development Act, 2000 (as amended) and, based on the reasons and considerations set out below, the Board directs Cork County Council to OMIT condition number 22 and the reason therefor:

9.0 Reasons and Considerations

The Board considered that condition number 22 does not accord with the provisions of section 48(2)(c) of the Planning and Development Act, 2000 (as amended), with reference to the payment of a 'special contribution', as it has not been adequately demonstrated by the planning authority that the development contribution in question constitutes specific exceptional costs which benefit the proposed development and which are not covered by the planning authority's general contribution scheme made under this section.

Stephen Rhys Thomas
Planning Inspector

08 March 2017