



An
Bord
Pleanála

Inspector's Report ABP-308272-20

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| Development | Refurbishment and expansion of Pairc Ui Chaoimh and provision of a new all-weather playing pitch at the Showgrounds, with ancillary works, as part of the creation of a Centre of Excellence. |
| Location | Monahan Road, Ballintemple, Cork. |
| Planning Authority | Cork City Council |
| Planning Authority Reg. Ref. | 13/35808 |
| Applicant(s) | Cork County GAA Board |
| Type of Application | Point of detail regarding Condition No. 20 attached to the permission granted at appeal PL28.243384. |
| Planning Authority Decision | n/a |
| Type of Appeal | Section 34(5) |
| Appellant(s) | Cork City Council |
| Observer(s) | None |

Date of Site Inspection

18th & 19th December 2020

Inspector

Hugh D. Morrison

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1.0 Introduction

- 1.1. This point of detail case that has been referred to the Board by the Planning Authority, Cork City Council, for adjudication. It concerns the amount of a special contribution that should be levied on the applicant, Cork GAA County Board, under Condition No. 20 attached by An Bord Pleanála to its Order PL28.243384 to grant permission for the refurbishment and expansion of Pairc Ui Chaoimh and the provision of a new all-weather playing pitch on adjoining lands formerly used as a showgrounds. Pairc Ui Chaoimh lies on the southern banks of the River Lee, in a position to the east of the city's docklands and city centre and to the west of Blackrock. The Order was signed on 27th November 2014 and the permission has subsequently been implemented.
- 1.2. The application, ref. no. 13/35808, for the above cited proposal was granted permission by the Planning Authority subject to 30 conditions. One of these conditions was a precursor to the Board's Condition No. 20. It was denoted as Condition No. 25(f) and it read as follows:

The applicant/developer shall identify and provide for adequate lighting along key pedestrian routes to Paric Ui Chaoimh, in particular along Monahan Road, Centre Park Road, Old Railway Line and the Marina. The extent of the area to be considered for lighting upgrades and the specification shall be agreed in writing with Cork City Council. All associated costs shall be borne by the applicant/developer. The lighting shall be installed by the applicant/developer, prior to the first operation/opening of the development.

Reason: In the interests of traffic and pedestrian safety and to avoid traffic congestion.

- 1.3. While the Planning Authority's decision to grant permission was appealed by two third parties, the applicant appealed Condition No. 25(f). The Board effectively dismissed this appeal by including Condition No. 20 in its Order to grant permission. Condition No. 20 reads as follows:

The developer shall pay to the planning authority a financial contribution as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of improvements to street lighting along Monahan Road, Centre Park Road, Old Railway Line and the Marina. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with charges in the Wholesale Price Index – Building and Construction (Capital Costs), published by the Central Statistics Office.

Reason: It is considered that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

- 1.4. The above cited appeals were the subject of an oral hearing, during which Condition No. 25(f) was the subject of submissions from the applicant and the Planning Authority. If the principle of a special contribution was upheld, then the applicant considered that €60,000 would be an appropriate amount to pay and the Planning Authority considered that €750,000 would be an appropriate amount. The subsequent Condition No. 20 does not specify an amount.
- 1.5. The case inspector addressed Condition No. 25(f) under Paragraphs 16.07 – 16.20 of his report. In Paragraph 16.19 he concludes that “the additional uses/longer hours of use especially after dark make the upgrading of the lighting on the surrounding roads an immediate necessity following on the completion of the proposed development”. He also concluded that the cost of such an upgrade was not included in the Planning Authority’s General Development Scheme. In Paragraph 16.20 he expressed satisfaction that the test of “specific exceptional costs” for a special contribution was met by the identification of “the roads to be improved and the works (lighting) to be carried out.” The Board, in accepting the inspector’s recommendation, attached Condition No. 20 and stated in its reasons and considerations that “the proposed development, subject to compliance with conditions..., would be acceptable in terms of traffic safety and convenience...”
- 1.6. Condition No. 25(f) refers to key pedestrian routes and it cites in particular Monahan Road, Centre Park Road, Old Railway Line and the Marina. Condition No. 20, which of course is the relevant one, simply cites Monahan Road, Centre Park Road, Old Railway Line and the Marina. These pedestrian routes can be described as follows:
 - Monahan Road: This is a roughly east/west road, which runs between Blackrock Road at Maryville in the east and Victoria Road/Blackrock Road in the west. This road is to the north of Blackrock Road and it skirts the southern

boundary of the former showgrounds, which have now been redeveloped to provide the all-weather playing pitch cited in the proposal.

- Centre Park Road: This is a roughly east/west road, which runs between the Marina in the east and its junction with Victoria Road and Albert Road in the west. This road is to the north of Monahan Road. A road at its eastern extremity provides access to Pairc Ui Chaoimh.
- Old Railway Line: This is a greenway, pedestrian/cyclist route, which runs in a south easterly direction from the Atlantic Pond, which lies to the east of Pairc Ui Chaoimh, to Blackrock and onwards to Rochestown and, ultimately, Passage West.
- The Marina: This is a roughly east/west road, which runs from Blackrock in the east to just beyond the eastern end of Centre Park Road in the west. Its extremities are accessible to vehicles, while its middle portion is reserved for pedestrians and cyclists. It runs along the southern banks of the River Lee and it connects to Pairc Ui Chaoimh via links to the access road from the end of Centre Park Road. It also connects to the start of the Old Railway Line.

1.7. During my site visits, I observed that both Monahan Road and Centre Park Road comprise two lane carriageways that are accompanied on either side by footpaths. Public lighting is installed along the length of these Roads. I also observed that the Old Railway Line is unlit and that the Marina is unlit along that portion which is reserved for pedestrians and cyclists.

2.0 Policy and Context

2.1. National Planning Guidelines

Development Management

Development Contributions

2.2. Development Plan

Under the heading of “Amenity Routes”, Paragraph 11.34 of the Cork City Development Plan 2015 – 2021 states that “Safety is considered a key issue and

public lighting may ensure that these routes can be used more frequently including evening-time.”

3.0 The Appeal

3.1. Grounds of Appeal

The Planning Authority has advised the Board that it has been unable to agree the amount of a special contribution required to be paid by the applicant under Condition No. 20 attached to the permission granted by the Board at appeal PL28.243384 to application 13/35808. Accordingly, under Section 34(5) of the Planning and Development Act, 2000 – 2020, the Planning Authority has referred this matter to the Board for determination.

In summary, the Planning Authority estimates that the cost of improvements to street lighting would total €1,111,026 and that it would be reasonable for the applicant to contribute approximately half this amount at €544,612. The applicant has offered to contribute €60,000.

By way of background, the Planning Authority has submitted an Engineering Report prepared by Aidan Mahony, Senior Executive Engineer with the Traffic Division of the Roads and Environment Operations Directorate. This Report is accompanied by the following Appendices:

- (i) The Planning Authority’s notification of decision to grant permission to application reg. no. 13/35808 dated 23rd April 2014,
- (ii) Public Lighting Estimate of Costs dated 4th September 2014,
- (iii) Minutes of Debrief Meeting following Bruce Springsteen Concert held on 18th July 2013 dated 18th September 2013,
- (iv) Evidence of Ian Winning, Senior Executive Engineer with Cork City Council, given to the Oral Hearing into the development of Pairc Ui Chaoimh on 10th September 2014,
- (v) Updated Public Lighting Estimate of Costs dated 27th May 2016,
- (vi) Order of An Bord Pleanala granting permission following appeal PL28.243384, and

(vii) Email depicting additional tower lighting stations used during Ed Sheeran Concert dated 26th April 2018.

A summary of the Engineering Report is set out below.

- 2013: Condition 25(f) attached to the Planning Authority's permission (Appendix (i)) signalled the need for the applicant to provide "adequate lighting along key pedestrian routes to Paric Ui Chaoimh, in particular along Monahan Road, Centre Park Road, Old Railway Line and the Marina." Discussions ensued with the applicant concerning the scope of such a contribution (Appendix (ii)). The Planning Authority's concerns over additional footfall and the inadequacy of existing public lighting were documented following a Bruce Springsteen Concert (Appendix (iii)).
- 2014: Initial estimates of cost, included lighting on Victoria Road and Blackrock Road, amounted to €1,244,000 (Appendix (ii)). In evidence given at the Oral Hearing, an estimate of €1,573,660 was submitted (Appendix (iv)), which reflected design, procurement, and site supervision costs. Following discussion with the applicant, a less extensive scheme was envisaged that would have required a contribution of €750,000.
- 2015 – 2019: Subsequent estimates of cost ranged between €786,000 and €860,000 (Appendix (v)). The applicant continued to offer €60,000 and so no agreement was reached. Following a lapse of 19 months, the latter estimate was re-presented to the applicant with an accompanying breakdown of costs.
- In May 2018, during preparations for an Ed Sheeran Concert, the inadequacy of public lighting was illustrated by the promoter's recourse to multiple lighting towers to ensure the safety of concert goers (Appendix (vii)). (The applicant had stated at the oral hearing that such concerts would not take place after dusk). Following an increase in night time fixtures, the Garda Traffic Corps expressed concern over the lighting of a link road adjacent to Paric Ui Chaoimh.
- Over the last 6 years, the Planning Authority has had to fund essential repairs to lighting installations that should have been replaced. Consequently, costs totalling €201,952 have been incurred and a further €120,000 will be spent with the provision of lighting in Marina Park.

- The Planning Authority has updated its earlier estimate of €860,000 as set out in the Table below. (The base figure shown in this Table of €686,500 is the figure of €860,000 exclusive of VAT and design and construction supervision costs).

| Description | Cost (€) |
|---|-----------|
| Public Lighting Scheme (reduced scope) 2018 | 686,500 |
| SCSI* Tender Price Index 6.3% for 5 years | 216,248 |
| 2020 Estimated Cost inclusive of VAT @ 13.5% | 1,024,619 |
| Engineering Consultancy design and supervision | 65,709 |
| SCSI* Tender Price Index 6.3% for 5 years | 20,698 |
| 2020 Estimated Cost inclusive of VAT @ 23% | 86,407 |
| 2020 Outstanding Public Lighting Works | 1,111,026 |
| Cork City Council's upgrade and repairs 2015-19 | 201,962 |
| Total Value of Public Lighting Works | 1,312,988 |

* The Society of Chartered Surveyors Ireland

- The Planning Authority draws attention to estimates of maximum numbers of pedestrians on routes to Paric Ui Chaoimh that were submitted by the applicant to the Oral Hearing, along with the capacity of these routes to accommodate pedestrians. Paric Ui Chaoimh can seat 45,000 spectators, a total that represents 48% of the capacity of the routes to the stadium to accommodate pedestrians, which is 94,980.
- In the light of the foregoing paragraph, the Planning Authority takes the view that roughly half of the cost of improvements to public lighting should be borne by the applicant. In this respect, it has prioritised the following routes: Monahan Road, Centre Park Road, the Link Road between these two Roads, and the Marina Link, which affords access to the Lee Rowing Club and the GAA. The resulting base figure of €307,000 for works is incorporated in the following Table:

| Description | Cost (€) |
|--|----------|
| Public Lighting Scheme (reduced scope) 2018 | 307,000 |
| SCSI* Tender Price Index 6.3% for 5 years | 96,705 |
| 2020 Estimated Cost inclusive of VAT @ 13.5% | 458,205 |
| Engineering Consultancy design and supervision | 65,709 |
| SCSI* Tender Price Index 6.3% for 5 years | 20,698 |
| 2020 Estimated Cost inclusive of VAT @ 23% | 86,407 |
| 2020 Public Lighting Works Contribution Proposal | 544,612 |

* The Society of Chartered Surveyors Ireland

- The Planning Authority duly presented the proposed sum of €544,612 to the applicant for its consideration. No response was received.

3.2. Applicant Response

The applicant begins by introducing his case as follows:

- The applicant describes the site within its context and summarises the legislative basis for, and the advice of national planning guidelines on, special contributions. It outlines how the Planning Authority came to attach Condition No. 25(f) to its permission and how An Bord Pleanála came to attach Condition No. 20 to its permission. Relevant national, regional, and local planning policies for the South Docklands of Cork are cited, too.
- The applicant comments on the Planning Authority's account of negotiations to date to the effect that it does not consider that it was solely responsible for the failure to agree upon a figure. In this respect, the applicant states that agreement on the basis for calculating this figure was reached in January 2015 only for the Planning Authority to add-in an extra 2 km of roadway in May 2016.
- The applicant sets out the background to its offer to contribute €60,000. Thus, between the two permissions in May 2014, it presented information on the usage of pedestrian routes to Pairc Ui Chaoimh, which could be attributed to

the GAA. The length of these routes was calculated to be 4493m and the average proportion of their pedestrian usage that could be attributed to the GAA was calculated to be 12.5%. The cost of public lighting improvements was calculated to be €106.75 per metre, which when applied to 12.5% of 4493m yields the sum of €60,000.

- The applicant sets out a timeline following An Bord Pleanála's grant of permission. In January 2015 agreement was reached on the roads along which public lighting improvements would be made. Exception was taken to the Planning Authority's subsequent presentation of the estimates of €786,000 and €860,000, on the basis that these estimates were based on an extra 2 km of roadway beyond that which had been agreed upon.

The applicant proceeds to critique the Planning Authority's case as follows:

- While Pairc Ui Chaoimh would benefit from improved public lighting along the roads identified in Condition No. 20, the Planning Authority has only asserted rather than demonstrated that those in attendance at the stadium would be the main beneficiaries. In this respect, attention is drawn to existing businesses and residents in the area and to future projections that the workforce and number of residents in the South Docklands will rise with their redevelopment to 25,000 and 20,000, respectively.
- The roads identified in Condition No. 20 are not specific or exceptional to Pairc Ui Chaoimh. Rather they are used by the public on a daily basis. Furthermore, an examination of other recent proposals granted permission in South Docklands reveals that none of them have been required to make a special contribution to the improvement of public lighting. At the Oral Hearing, the Planning Authority's engineering witness was unable to account for this omission.
- The Planning Authority's case is based on some roads that are not cited in Condition No. 20 and the omission of some roads that are cited. In relation to the former, Atlantic Pond, The Link Road between Centre Park Road and Monahan Road, and the Marina Link are cited, and, in relation to the latter, the Marina and Old Railway Line are omitted. Only roads identified in Condition No. 20 can be included.

- The Planning Authority refers to a sum of €201,962, which it has spent on upgrades and repairs to public lighting in Blackrock and Ballintemple over the last 6 years. It is not possible to establish if these works were to the roads identified in Condition No. 20.
- The applicant states that Condition No. 20 is inoperable as it fails to specify the specific works to be undertaken beyond the general reference to public lighting improvements. Likewise, the exceptional nature of the costs has not been established. In this respect, attention is drawn to the Planning Authority's General Development Contribution Scheme 2020, which cites a sum of €35m for the provision of public lighting. Clearly, such provision is the norm and so not exceptional. Furthermore, the South Docklands Local Area Plan 2008 addresses lighting, particularly under Section 5.5, and so the provision of high-quality public lighting throughout South Docklands is envisaged. In these circumstances, if Paric Ui Chaoimh did not exist, then the need for such lighting would still exist along nearby roads as they link existing/future businesses, amenity areas, and inner suburbs. Again, exceptionality is absent. Additionally, the applicant draws attention to funding, which the Planning Authority has secured from Europe and the Irish Government, to finance projects on Monahan Road and Marina Park, which includes the provision of public lighting, some of which would be installed in the vicinity of Paric Ui Chaoimh.
- Condition No. 20 does not state the amount of the special contribution and it omits to set out the basis for the calculation of such a contribution. In these circumstances, the applicant has not been in a position to predict this amount and it is not open to the Board to simply devise a basis that it may consider fair and reasonable for the following reasons:
 - The advice of the relevant national planning guidelines states that special contribution conditions should either state the specific cost or the basis for calculating such cost,
 - It is not permissible that the Board simply devise a basis in the absence of any criteria,

- The Planning Authority has not provided a basis for the apportionment of benefit arising from improved public lighting between the different existing/future users of the South Docklands,
 - Evidence of exceptionality remains outstanding,
 - How the redeveloped Pairc Ui Chaoimh would benefit from improved public lighting compared to when it existed in its former state, where a permission from 1976 authorised attendances of 50,000, has not been demonstrated, and
 - Full capacity night time events would occur infrequently throughout the year. Smaller scale activities occur more frequently. Neither impose a “disproportionate or unexpected or unusual burden on public lighting in the area.” Cost-wise, the Planning Authority has not established that additional footfall necessitates greater expenditure on public lighting. In this respect, its application of a proportion of 48% to pedestrian usage of local roads is questioned on the grounds that it is excessive.
- The applicant states that the Planning Authority’s case is excessive and unreasonable, as it would entail a special contribution of 48% of the cost of improving public lighting in almost the entire South Docklands and yet Pairc Ui Chaoimh would be only one of multiple beneficiaries. Furthermore, as discussed above, the redevelopment in question is of an existing stadium.
 - The applicant critiques the Planning Authority’s failure to obtain up to date quotations and its consequent reliance upon the SCSl’s Tender Price Index. This Index is based on a 6-monthly survey of sentiment and its regional variation for Munster is typically 3 – 5.5% below the national figure. The applicability of this Index to the redevelopment in question has not been established. The professional fee element in the above Tables has not been varied to reflect the reduction in scope of the second Table and, indeed, the need for this element is questioned when the Planning Authority has in-house/agency engineering staff.
 - The applicant’s agent considers that the applicant’s earlier offer of 12.5% or €60,000 was “entirely excessive” within the context of the widespread redevelopment of the South Docklands.

3.3. Observations

None

3.4. Further Responses

- The Planning Authority has responded to the applicant's response and in particular to its five-fold conclusion as follows:
 - An Bord Pleanála's permission is subject to Condition No. 20. Any review of this Condition from first principles is beyond An Bord Pleanála's remit under the current referral on a point of detail.
 - The applicant critiques Condition No. 20 as being inoperable under the Planning and Development Act, 2000 – 2020, and yet it is clear and unambiguous, and it refers to specific and exceptional costs not covered by the General Development Contribution Scheme 2020.
 - The Planning Authority's case is not excessive or unreasonable, but rational and proportionate.
 - The Planning Authority's case factors-in the benefit to the wider area.
 - Updated costs have been submitted.
- References to future development in the South Docklands lie outside the scope of the referral on a point of detail, which is before An Bord Pleanála.
- The Development Contributions Guidelines do not require that the Planning Authority state specific or exceptional costs or give a detailed description of works.
- Under the General Development Contribution Scheme 2020, funds can be raised from developers for the city as a whole rather than being specific to a particular area.
- Notwithstanding undertakings to the contrary, Paric Ui Chaoimh is used repeatedly for night time concerts and is set to do so in 2021, too. The footfall generated by such concerts and the inadequacy of present public lighting was highlighted to the applicant as long ago as 2013 and yet concerts continue

unabated. It is this usage that lies behind Condition No. 20 and the need for a special contribution.

4.0 Assessment

- 4.1. Section 34(5) of the Planning and Development Act, 2000 – 2020 states that “The conditions under *subsection (1)* may provide that points of detail relating to a grant of permission may be agreed between the planning authority and the person carrying out the development; if the planning authority and that person cannot agree on the matter the matter may be referred to the Board for determination.”
- 4.2. The Planning Authority reports that it has not been able to agree on a point of detail with the applicant over Condition No. 20, which was attached to the permission granted at appeal PL28.243384 to application 13/35808. The point of detail at issue is the amount of the special contribution that it would be appropriate for the applicant to pay to the Planning Authority. Consequently, the Planning Authority has referred this point of detail to the Board for determination.
- 4.3. Permitted application 13/35808 has been implemented. Condition No. 20 is a condition precedent and so the special contribution referred to therein should have been paid “prior to the commencement of development or in such phased payments as the planning authority may facilitate”. As no agreement has been reached between the parties on the required amount, no payment(s) has/have been made to date.
- 4.4. The applicant’s response to the Planning Authority’s case concludes by questioning the validity of Condition No. 20 and hence the need to pay a special contribution. The Planning Authority has responded by drawing attention to Section 34(5), cited above, and the jurisdiction of the Board under this Section to simply address the point of detail raised rather than to revisit the principle of the condition in question. I consider that the Planning Authority’s reading here is correct and so the Board is only authorised to address the point of detail at issue, which, in this case, pertains to the amount of the special contribution that the applicant should pay to the Planning Authority.
- 4.5. I note the wording of Condition No. 20, which refers to improvements in street lighting along four routes only, i.e. Monahan Road, Centre Park Road, Old Railway

Line, and the Marina. I, therefore, take the view that only improvements in street lighting along these stated routes fall within the ambit of this Condition.

- 4.6. I note, too, that costs incurred by the Planning Authority in repairing street lighting within the locality of Paric Ui Chaoimh between 2014 and 2020 have been included in its latest estimate. I take the view that such repairs cannot be assumed to have entailed improvements, as repairs to street lighting normally entail replacing like for like rather than achieving a better level of such lighting. I am, therefore, minded to exclude such costs.
- 4.7. The Planning Authority has submitted an Engineering Report prepared by Aidan Mahony, Senior Executive Engineer with the Traffic Division of the Roads and Environment Operations Directorate. This Report discusses the presentation of various ways of calculating the amount of the special contribution. It also discusses the applicant's presentation of estimated pedestrian numbers and the capacity of approach routes to Paric Ui Chaoimh to accommodate pedestrians (cf. Table 4, which draws upon data originally set out in drawing no. PL-SK-145 revision B). The Report contends that as the total aggregated capacity of these routes would amount to 94,980 pedestrians and as the capacity of Paric Ui Chaoimh is 45,000 spectators, 48% of the cost of improved lighting along these routes should be borne by the applicant.
- 4.8. The applicant has responded to this proportion by presenting its own figure of 12.5%, which is based on an estimate of pedestrian use that could be attributed to that which is generated by Paric Ui Chaoimh (cf. to the Table of Page 12 of the applicant's response).
- 4.9. The case inspector in his report on appeal PL28.243384 concluded that a combination of additional uses and longer hours of use of Paric Ui Chaoimh after dark provided the impetus and justification for Condition No. 20. I understand these uses to comprise occasional large scale night time concerts, more frequent small scale social events, and sporting fixtures/sports training that continue into the late afternoon/early evening. Of greatest concern to the Planning Authority from a public safety perspective are the night time concerts, which can entail audiences that fill Pairc Ui Chaoimh to capacity.

- 4.10. In the light of the foregoing paragraph, the Planning Authority's approach to the apportionment of the estimated cost of public lighting improvements relates to the night time concert scenario, which is the cause of greatest concern. By contrast, the applicant's approach to apportionment does not appear to distinguish between day time and night time usage of pedestrian routes and so it fails to do justice to the night time background to Condition No. 20. I, therefore, consider that the Planning Authority's apportionment of 48% of the estimated cost of public lighting improvements is reasonable.
- 4.11. If Tables 1 and 5 of the Planning Authority's submission are compared, then the approach adopted to the apportionment of 48% of the estimated cost of public lighting improvements entails the omission of some pedestrian routes in their entirety rather than an across the board reduction. The resulting reduction is a more generous 44.72%. Both Tables include routes that are not identified in Condition No. 20 and again a comparison of these Tables shows that, between the former and the latter, two routes that are so identified were omitted.
- 4.12. Tables 3 and 6 of the Planning Authority's submission use the Society of Chartered Surveyors Ireland Tender Price Index to calculate inflation over the 5 years that have elapsed since the original estimates for each pedestrian route was prepared. By contrast, Condition No. 20 requires the use of the Wholesale Price Index – Building and Construction (Capital Costs), published by the Central statistics Office, to be used in this respect.
- 4.13. Tables 3 and 6 also include an estimate of the cost for engineering consultancy to handle the detailed design and supervision of construction. The applicant has contested this inclusion on the basis that this work could be undertaken by in-house staff and its expense could be subsumed by the Planning Authority. It also draws attention to its fixed nature, i.e. no reduction is shown between the two Tables, even though fewer pedestrian routes are listed in Table 6. While the Planning Authority has responded to the applicant's response to its original case, this response does not address these two points. I, therefore, take the view that this item should be excluded.
- 4.14. In summary then I propose to address the point of detail, i.e. the calculation of the special contribution, on the basis of the following guiding principles:

- Only the pedestrian routes stated in Condition No. 20 should be included, i.e. Monahan Road, Centre Park Road, Old Railway Line, and the Marina,
- Costs incurred by the Planning Authority in carrying out repairs to street lighting in the locality over the 6-year period 2014 – 2020 should be excluded,
- The estimated cost of improved street lighting on these routes should be apportioned to the applicant on the basis of 48% of the total,
- The apportionment of the 48% should be across each of the pedestrian routes,
- Inflation should be calculated over the 5-year period 2015 – 2020 in accordance with the Wholesale Price Index – Building and Construction (Capital Costs), published by the Central Statistics Office, and
- Engineering consultancy costs should be excluded.

4.15. My calculation of the special contribution is set out overleaf. Firstly, I list the admissible pedestrian routes and the estimated cost of improved street lighting on each of these routes and, secondly, I apportion the resulting total and adjust it for inflation at 9.5% and VAT at 13.5%.

| Pedestrian route | Section | Quantity | Cost (€) | Total cost (€) |
|------------------|--|----------|----------|----------------|
| Monahan Road | To Link Road (1200m) | 35 | 3500 | 122,500 |
| Monahan Road | To Atlantic Pond (580m) | 21 | 2000 | 42,000 |
| Centre Park Road | Victoria Road to Link Road (690m) | 23 | 2500 | 57,500 |
| Centre Park Road | Link Road to Marina (425m) | 12 | 3500 | 42,000 |
| Old Railway Line | Parallel Atlantic Pond and Marina (400m) | 14 | 5500 | 77,000 |
| The Marina | Carriageway and Footpaths (1500m) | 50 | 3500 | 175,000 |
| | | | | 516,000 |

Apportionment of 48% of €516,000 247,680

Allowing for inflation rate of 9.5%* 271,210

Allowing for VAT at 13.5% **307,823**

* CSO Wholesale Price Index: Table 4 Capital Goods Price Indices: Building and Construction for the period 2015 – September 2020 (date of referral to the Board of point of detail)

4.16. I conclude that the appropriate special contribution under Condition No. 20 is three hundred and seven thousand, eight hundred and twenty-three euro.

5.0 Recommendation

I recommend that the Board should decide this referral in accordance with the following draft order.

Whereas by order dated 27th November 2014, An Bord Pleanala, under appeal ref. no. PL28.243384, granted planning permission, subject to conditions, to Cork County GAA Board for the refurbishment and expansion of Pairc Ui Chaoimh and provision of a new all-weather playing pitch at the Showgrounds, with ancillary works, as part of the creation of a Centre of Excellence at Monahan Road, Ballintemple, Cork:

And whereas Condition No. 20 attached to the said permission required the applicant to pay a special contribution in respect of improvements to street lighting along Monahan Road, Centre Park Road, Old Railway Line, and the Marina:

And whereas the Planning Authority and the applicant have failed to agree on the amount of the said special contribution and so the matter has been referred by the Planning Authority to An Bord Pleanala on 15th September 2020 for determination:

Now therefore An Bord Pleanala, in exercise of the powers conferred upon it by Section 34(5) of the Planning and Development Act, 2000 – 2020, hereby determines that the special contribution shall be €307,823 (three hundred and seven thousand, eight hundred and twenty-three euro).

Matters considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Hugh D. Morrison
Planning Inspector

10th February 2021