



An
Bord
Pleanála

Inspector's Report ABP.311485-21

Development	Construction of 27 no. houses and all associated works. A change of plan as previously permitted under 07/12443, 13/4911 and 17/7048. Access from permitted estate entrance from R619.
Location	Cnoic Eoin, Knockaneowen, Coachford Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	21/4055
Applicant(s)	TFT Construction Ltd.
Type of Application	Planning permission
Planning Authority Decision	Grant permission
Type of Appeal	First Party
Appellant(s)	TFT Construction Ltd.
Observer(s)	None
Date of Site Inspection	11 th March 2022
Inspector	Mary Kennelly

1.0 Site Location and Description

- 1.1.** The site is located in Coachford, which is located c.29km to the west of Cork City and c.16km to the west of Ballincollig. The village is situated at a crossroads where the R618 and the R619 intersect. The R619 travels N-S and links Farnanes on the N22 with Donoughmore and Mallow to the North, while the R618 travels E-W to the north of the River Lee, parallel with both the river and the N22. It links Ballincollig, Iniscarra and Dripsey with Carrigadrohid and Macroom via Coachford. The two regional roads converge in the centre of the village, which has a number of commercial units including a Centra, some pubs, restaurants and a funeral home. It is a green field site which is located on backlands in the centre of the village. Approaching the village from the south, there is a GAA club (Aghabullogue) and a Catholic Church located to the south of the central village crossroads. The site of the appeal is located in between the GAA pitches and the church on the western side of the R619. Access to the site is gained from the Cnoic Eoin estate road which branches off the R619.
- 1.2.** The site is stated as being 1.7505ha in area. It is bounded to the south by the GAA grounds, to the east by the church (on RPS) and to the west by agricultural lands. The northern boundary is with the rear of a row of detached dwellings which front onto a private residential road that runs parallel with and to the south of the R618. Planning permission was granted for a housing estate on the site in 2007, (Ref. No. 07/12443, which has been extended twice). The permitted housing estate has been commenced and three of the permitted 26 no. houses have been constructed and sold, and are occupied, and three further houses are under construction. The site is therefore a legacy unfinished estate. The site is accessed from the south-east via the permitted estate road, which is partially complete. There is a recessed area between the entrance road and the public road, which is bounded by the boundary wall of the GAA club and is the subject of a way-leave.

2.0 Proposed Development

- 2.1.** The proposed development involves the construction of 27 no. detached houses. The original permission was for 26 houses, three of which have been completed, and the proposed development would bring the total number of houses to 31 units.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to 53 no. conditions. The appeal relates to Condition No. 52 which requires the payment of a special financial contribution and Condition No. 53 requires the payment of a financial contribution under the General Development Contribution Scheme. In summary, these conditions require the following:

Condition 52 – At least one month before commencing development the developer shall pay a Special Development Contribution of €16,800.00 to Cork Co. Co. in respect of specific exceptional costs not covered in the Council's General Development Contribution Scheme in respect of works proposed to be carried out, for the provision of proposed future resurfacing at the entrance to facilitate the development. Standard provisions are included (including refunds, payment of interest etc.) to address scenarios where the Council does not commence the said works within 5 years of payment, have commenced works but not completed within 7 years of payment or decide not to proceed with the works.

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

Condition 53 – At least one month before commencing development Financial Contribution of €97,691.11 to be paid in accordance with the General Development Contribution Scheme, which was calculated in accordance with the GDCS and indexed linked.

Reason: It is considered appropriate that the developer should contribute towards the cost of public infrastructure and facilities benefitting development in the area of the planning authority as provided for in the Development Contributions Scheme made in accordance with S48 of the Planning and Development Act, and that the level of contribution payable should increase at a rate which allows for both inflation and for phasing of the target contribution rates, in the manner specified in the scheme.

3.2. Planning Authority Reports

3.2.1. Planning Reports

It was noted that the site is within the Development Boundary and had formerly been the subject of a grant of planning permission (07/12443) for the construction of 26 houses, which was extended twice (13/4911 and 17/7048), which has since expired. It was further noted that the permitted scheme had been commenced and that three of the houses at the eastern extremity of that development have been constructed, have been sold and are now occupied. In addition, the estate entrance had been constructed together with part of the estate road. It was also noted that the site is currently in use as a site office/compound for the public sewer scheme currently under construction in Coachford.

The site is within the development boundary for Coachford as indicated in the Blarney-Macroon MDLAP (2017). The proposed development seeks to modify the original permission by increasing the number of houses by 5 units, which would result in a total of 31 dwelling units on the overall lands. This would increase the density from 10.4/ha to 12.4/ha on the overall lands but a density of 15.4/ha on the current site. This was considered to be acceptable.

The main issues highlighted in the first Planner's report (05/03/21) incorporated a wide range of issues including layout, access, design etc., which resulted in a request for FI. However, as the appeal that is currently before the Board relates to a Special Contribution condition regarding roads and access matters, I will confine the summary of the matters raised to those that are relevant to the current appeal.

- The Planner noted that the existing entrance from R619 is to be utilised, but that the crossover (where it meets the public road) does not appear to have been finished.
- Reference was made in the second Area Planner's report to the Area Engineer's concerns (02/09/21) regarding the poor condition of the surface at the entrance from the R619, which was considered likely to deteriorate further as a result of the proposed development, and that a special contribution was recommended for the resurfacing of this section of road at the entrance.

- The Area Planner had also identified an issue in the initial report (5/3/21) of inadequate pedestrian connectivity with the village centre, in terms of the objectives of the Blarney-Macroon MDLAP 2017 (GO-01(I)). Although it seemed that the previous permission (07/12443) had addressed this issue to some extent, in terms of utilisation of the laneway leading to the R618 at the NW corner of the site, clarification of this matter was required. However, the FI response (01/06/21) stated that this was outside of the control of the applicant, with the only wayleave in place relating to service pipes, and the P.A. accepted this.

3.2.2. Other Technical Reports

Area Engineer – FI Response - 02/09/21 – problem identified with the proposed access in terms of the current condition of the existing surface at the entrance from the R619, which was showing signs of fatigue. It was considered that the road at the entrance would deteriorate further as a result of the proposed development and that a special contribution was required for the resurfacing of the section of road at the entrance (40m x 6m), at a cost of €16,800.00.

Estates Office – 09/02/21 – no objection subject to conditions.

Environment – 10/02/21 and 03/03/21 – recommended deferral pending FI regarding details of waste management and surface water controls, wastewater management during construction as well as an outline CEMP. FI response – 23/06/21 – no objection s.t. conditions.

Housing Officer – 11/02/21 – No objection subject to conditions.

Public lighting – 02/02/21 - The information provided with the application was considered inadequate and further information was requested. FI response -14/06/21 – no objection s.t. conditions.

3.2.3. Further Information June 2021

Further information was submitted on 1st June 2021. This included

- Revised drawings addressing engineering issues, landscaping and site layout, as well as revised house types.
- Detailed responses to issues regarding potential flooding, outfall pipes, wastewater infrastructure, recreation and amenity (POS) and pedestrian

connectivity. A site-specific Construction Waste and Environmental Management Plan was also submitted.

It is noted that the Area Engineer (22/06/21) had sought clarification of certain matters relating to stormwater and flooding. The Area Planner's report (24/06/21) sought clarification of FI including a Flood Risk Assessment for the stormwater outfall, details of the northern boundary. These matters were addressed to the satisfaction of the various departments of the P.A. in the submission of the 16th August 2021. Permission was recommended subject to conditions including condition 52. Concern had been expressed that the proposed development would give rise to a considerable deterioration in the surface at the entrance which was already showing signs of fatigue. Therefore, it was considered that a **Special Contribution** of €16,800 should be levied towards the cost of providing resurfacing of this specific section of road at the entrance (40m x 6m).

3.3. Prescribed Bodies

Irish Water – 19/02/21 - the Confirmation of Feasibility (COF) was issued in April 2018 and clarification required regarding whether it reflects the most up to date position. Further submission – 10/06/21 – no objections s.t. conditions.

Inland Fisheries – required confirmation from IW that there is sufficient capacity in the public sewer to cater for the proposed development.

3.4. Third Party Observations

No third-party observations received.

4.0 Planning History

07/12443 – planning permission granted for 26 no. houses with an option of 3 no. house types on each site, landscaping, play area, vehicular access and underground storm water storage and percolation area and associated site works and services. Permission was granted subject to 50 conditions. Cond. No. 25 required the payment of a financial contribution of €290,062 under the GDCS. No conditions requiring the payment of a special contribution were attached.

13/04911 – planning permission granted for completion of 26 no. dwellings and all associated works, which constituted an extension of duration of permission granted under 07/12443. Permission was granted in July 2013, and it was stated that it would cease to have effect on the 30th of April 2018.

17/04177 - planning permission granted for completion of 26 no. dwellings and all associated works, which constituted an extension of duration of permission granted under 07/12443 and 13/4911. This permission will cease to have effect on the 30th of April 2022. This permission was granted subject to one condition which required a bond for the satisfactory completion of the development.

5.0 Policy Context

5.1. Cork County Development Plan 2014

5.1.1. **Chapter 3 – Housing** – Existing Built-Up Areas include all lands within a development boundary which do not have a specific zoning objective. It sets out the housing policies and objectives including the following:

HOU 3-1 Sustainable Residential Communities – reference to national guidance on achieving high quality neighbourhoods.

HOU 3-2 Urban Design – high quality design and layout required.

HOU 3-3 Housing Mix – Intention to seek a mix of house types and sizes in accordance with the Joint Housing Strategy and National Guidelines.

Notwithstanding the desire to achieve higher densities (as set out in the Sustainable Residential Development in Urban Area Guidelines), it is acknowledged that there is a need to allow some lower density development in order to achieve a broader range of house types, particularly where there is a high demand for development in unserviced rural areas.

Obj. HOU 4-1 Housing Density on zoned lands – The site is designated as ‘Medium Density B’, with a recommended minimum of 12/ha net density and 25/ha maximum.

5.2. Blarney - Macroom Municipal District Local Area Plan 2017

- 5.2.1. Coachford is one of four Key Villages in the Municipal District area. It is described in the LAP as a large attractive village with a predominantly linear form. The vision for the village is to encourage development within the settlement boundary, to consolidate the settlement as a provider of a range of important local services and to promote sympathetic development in tandem with the provision of infrastructure and services. The role of Key Villages is as the primary focus for development in rural areas and for the provision of local services by encouraging and facilitating population growth, by supporting the retention and improvement of key facilities, including social and physical infrastructure and public transport.
- 5.2.2. Coachford has a stated population (2011 census) of 431. It is estimated that 116 new units will be required (4.5.7). It is noted that there is ample land to accommodate this level of growth within the village and that there are a substantial number of outstanding planning permissions within the development boundary. However, the scale of future development is dependent upon improvements to key infrastructure particularly the wastewater treatment facilities. The need for improvements to public footpaths and street lighting is identified (4.5.15).
- 5.2.3. The site is within the development boundary but does not have any specific zoning. The village is noted as having an impressive array of facilities including primary and secondary schools, a creche, post office, garda station, community centre and soccer/Gaelic clubs. The village is identified as representing an important service centre with potential for tourist opportunities due to its proximity to the River Lee and Farrane Forest Park. It is also designated as a High Value Landscape and is located on two Scenic routes. The S37 runs E-W along the R618 and the S38 runs N-S along the R619.

5.3. Natural Heritage Designations

The closest designated site is The Gearagh SAC (000108) and the Geragh SPA (004109), which are located c.12km to west.

6.0 The Appeal

6.1. Grounds of Appeal

The first party appeal was submitted by McCutcheon Halley Planning Consultancy on behalf of the applicant. The appeal is against Condition No. 53 only, which requires the payment of a Special Contribution of €16,800 in respect of works involving the resurfacing of an area of 40m x 6m at the entrance to the site. The main points raised may be summarised as follows:

- **Not 'Specific' or 'Exceptional'** - The Council has not demonstrated that the costs incurred are either specific or exceptional to the development as stated in the reason for the condition, and as required by Section 48(2)(c) and 48(12) of the Planning and Development Act 2000. There is an onus on the P.A. to demonstrate that the works are 'exceptional' in the sense that they could not have been envisaged at the time that the Development Contribution Scheme was approved. It is also required that the P.A. demonstrate that the works are 'specific' to this development and would benefit the permitted scheme rather than the general area and would not be incurred at all if the proposed scheme did not go ahead.
- The costs incurred in the "future resurfacing at the entrance to facilitate the development" could not be considered to be works that are specific to the proposed development.
- There is no difference between the surface at the entrance to the development and the road condition in the wider area. The works required as described in the Area Engineer's report are merely road maintenance works and are not specific to the development. Thus, it is submitted that the special contribution is not justified. The P.A. has not demonstrated that the costs incurred under this contribution are either specific or exceptional as required by Section 48(12)(a) of the P & D Act. The condition should therefore be omitted in its entirety.
- **Double charging** - The Council is requiring the payment of this special contribution in addition to the payment of a contribution under the General Development Contribution Scheme. There is no difference between the

surface at the entrance and the road condition of the wider area, and the works referred to by the Area Engineer are merely general maintenance works which are not specific to the proposed development. The General Contribution levy is on the basis that all services (including roads) are available and fit for purpose. Thus, a second levy relating to upgrade of roads in the area amounts to double charging. Condition 52 therefore fails to demonstrate that the specific exceptional costs required are not already covered by another scheme (GDCS).

- Reference is made to previous Board decisions whereby the Board stated that the general contribution includes upgrading and improving existing services, including roads. The precedents referred to were PL04.242829 and PL04.229412.
- **Section 139** - It is requested that the appeal be dealt with under Section 139 of the 2000 Act and that Condition 52 be omitted.

6.2. Planning Authority Response

The P.A. responded to the grounds of appeal on the 22nd of October 2021. The main points raised are as follows:

1. **Specific to development** - The special contribution is intended to cover costs which the L.A. would not be expected to incur at this location for a number of years. The existing surface, which is showing signs of fatigue, would not require any intervention for at least the next 5 years, given the existing traffic movements over the area in question, which are linear in nature.
2. **Specific and exceptional** – the proposed development will result in a large volume of heavy goods vehicles turning into and out of the site, delivering stone and concrete to build the proposed houses. The concentration of construction traffic movements will result in the deterioration of the existing surface far quicker than would be expected under normal wear and tear.
3. **Works relate to development** – the proposed special contribution is required to surface a 40m section of carriageway directly in front of the entrance to the estate.

4. **No other source of funding** - These works are not in the current 3-year roads improvement programme and will therefore not benefit from any funding from the state or the European Union.
5. **Calculations** – the cost is based on resurfacing with Stone Mastic Asphalt wearing course laid over asphalt concrete base course at €70/m². This rate is based on tenders submitted by contractors in 2021 with an additional 15% added to allow for price rises over the next 5 years to cover increase in oil prices and labour costs. No benefits will be received from the tender rates for larger projects due to the small scale of the project.

7.0 Assessment

7.1 Legislation and Guidance

7.1.1. As the appeal is solely against Condition 52 of the planning permission, relating to a Special Financial Contribution, Section 48(13)(a) of the Planning and Development Act 2000, as amended, applies. This requires that the Board shall not determine the relevant application as if it had been made in the first instance but shall determine only the matters under appeal.

7.1.2. **Condition 52** requires the payment of a special contribution of **€16,800**

“.....in respect of specific exceptional costs not covered in the Council’s General Development Contribution Scheme, in respect of works proposed to be carried out for the provision of proposed future resurfacing at the entrance to facilitate the development.....”

7.1.3. I note that there is also a condition (No. 53) attached to the permission requiring the payment of a financial contribution in respect of public infrastructure and facilities benefitting development in the area under the adopted Cork County General Development Contribution Scheme, made under Section 48(2)(a) of the Act. There are also several further conditions attached to the permission which require the applicant to carry out specific infrastructural works at his own expense in the vicinity of the development and relate to road/footpath maintenance issues. These include Condition 20 (no dust or debris on public road during construction), Condition 21 (wheel washing during construction), Condition 24 (weight restrictions on

delivery/construction vehicles) and Condition 25 (any damage to public roads/footpaths during construction to be repaired at cost of developer). In addition, Conditions 28 and 29 require the developer to provide a new/extended footpath of concrete construction, which shall extend from 'the existing footpath to the south to the Northern Site Boundary'.

7.1.4. Section 48(2)(c) of the P&D Act 2000, as amended, provides for the payment of a Special Contribution and further guidance on the matter is provided in the Development Management Guidelines, 2007 (Section 7.12). It is clear from the legislation and the guidance that such a requirement should only be made in respect of a particular development, whereby demands likely to be placed on the public services and facilities are deemed to be exceptional, thereby incurring costs not covered by the General Development Contribution Scheme.

7.1.5. It is further clear that such a condition must be amenable to implementation under the terms of S48(12) of the Act. This means that the basis for the calculation should be clear from the planning decision. The Guidelines state that

“this means that it will be necessary to identify the nature/scope of the works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development.”

7.2. Nature and scope of the works

7.2.1. The works are not specified in detail in Condition 52, but the Area Engineer's Report (02/09/21) and the Planning Reports (07/09/21) provide more detail on the nature and scope of the works required. It is stated that given that the existing surface at the entrance is starting to show signs of fatigue and that the road at the entrance is likely to deteriorate further as a result of the proposed development, it is appropriate to impose a special development contribution for the surfacing of 40m x 6m (240m²) of the carriageway around the entrance, which will have to be carried out in the next 5 years. The proposed resurfacing works were described as comprising Stone Mastic Asphalt and the cost was calculated as follows:

Stone Mastic Asphalt 40m x 6m = 240m² @ €70 per m² = €16,800.

As stated in the P.A.'s response to the grounds of appeal, the rate is based on tenders submitted by contractors with 15% added on for inflation/price rises.

7.2.2. The lay-by at the junction currently displays a yellow hatched box and has been re-surfaced in recent times. It also adjoins the entrance to the GAA club grounds, which borders this area to the west. I note from the Area Planner's initial report (page 11) that this area was described as follows:

"It is proposed to utilise the existing entrance to this unfinished residential development. It is noted that the entrance crossover where it meets the public road does not appear to have been finished (tarmacadam etc.)"

This can be confirmed by observing the condition of this area from the photos on file within the Area Planner's report and from Google Maps (both aerial and Streetview). However, as can be seen from the photographs of my site inspection (March 2022), both the entrance lay-by and the constructed section of the estate road have been finished with a proper surface, and the lay-by has been marked out with yellow hatching.

7.2.3. It is assumed that the re-surfacing works have been carried out by the local authority. The concerns raised by the Area Engineer related to the impact on the surface at the entrance from turning movements associated with the significant volume of heavy vehicles/trucks during the construction phase. At the time that these comments were made, the condition of the surface was showing signs of fatigue. However, as the area in question appears to have been resurfaced, it is reasonable that the investment in these works be protected from undue wear and tear. The Board may consider it appropriate to seek further information from the parties on these matters. However, it is considered that the nature and scope of the works, in terms of the need for resurfacing of a specific area at the entrance to the site, has been clearly identified, and the costs associated with the works has been clearly set out by the planning authority.

7.3. Specific or exceptional costs

7.3.1. The wording of Condition 52 states that the contribution is required in respect of "specific exceptional costs not covered in the Council's General Development Contribution Scheme". This means that the costs incurred should be directly as a result of the development or are required in order to facilitate the development and are properly attributable to the development. Furthermore, the works should be such that they would not have been envisaged as being necessary at the time of the

adoption of the GDCS and should not be incurred at all if the development in question did not go ahead.

- 7.3.2. The main purpose of the special contribution levy as set out in condition 52 appears to relate to the condition of the road at the entrance from the R619, which was deemed to be in need of upgrading at the time of the P.A. decision, as it was stated to be showing signs of fatigue. As noted above, the lay-by and the built section of the estate road appeared to be in poor condition and in an unfinished state with a rough course of hardcore applied over the surface in both the photos contained within the Planner's Report (10/03/21) and as seen on the Streetview and aerial photos available of Google Maps (dated July 2019). The planning authority was concerned that the impact of the construction traffic on the surface at the entrance arising from the proposed development would necessitate resurfacing of the area in question more urgently than would have been envisaged under the normal road maintenance programme, due to the significant increase in truck turning movements at this location. Thus, the P.A. considered that the resurfacing works are specifically related to the proposed development and would be exceptional in that should the development not go ahead, the resurfacing would not be carried out until local road improvement/maintenance works are scheduled in the normal way.
- 7.3.3. In the meantime, the area in question appears to have been resurfaced with some road markings. No information has been provided to the Board regarding whether these works have been carried out to the specified standard as required by the special contribution condition. The developer has pointed out that there is no significant difference between the surface at the entrance and the surface of the adjoining regional road. However, this does not mean that resurfacing of the area at the entrance will not be required again following the completion of the proposed development, as the L.A. will seek to maintain its investment in the improvements already undertaken.
- 7.3.4. The entrance to the estate is located off the main road (R619) and is sited at an oblique angle, which would necessitate additional turning movements for trucks to safely enter and exit the estate. The estate road rises fairly steeply to the north of the entrance which is likely to give rise to braking on the descent towards the lay-by. The layout of the entrance may also require trucks to wait on the lay-by to access the site. If the road surface is damaged and eroded at the entrance from these

movements, this will adversely affect the safety and use of the entrance to the estate and would damage the image of the estate. This would have direct impacts on the future occupants of the housing development as they enter and leave the estate, whether on foot, by bicycle or by car. I would agree, therefore, that the impact on the road surface at the entrance from a significant volume of truck turning movements associated with the proposed development at this location is likely to require resurfacing at the entrance to the estate.

- 7.3.5. It is considered, therefore, that the scope and nature of the works identified by the planning authority, (namely the resurfacing of a 40m length of road at the entrance junction), is reasonable based on the likely impact of the traffic on the road surface at this location, notwithstanding the fact that the condition of the surface has been improved in the meantime. It is considered that the P.A. has demonstrated that the proposed resurfacing works are specific to the development and exceptional.

7.4. Double charging

- 7.4.1. The applicant considers that the P.A. was engaging in the practice of double charging as there is a requirement to pay a contribution under the GDCS in addition to the payment of a special contribution, which amounts to double charging for the same infrastructural improvements. It is noted out that the provision of road works, footpaths, traffic calming etc. are included in the types of works identified as Public Expenditure in S48(17) of the Planning and Development Act (as amended). However, this does not mean that additional specific road improvement works, the need for which can be attributed to the carrying out of a proposed development, cannot also be the subject of a special contribution.
- 7.4.2. As stated previously, I would accept that the traffic impact on the road surface at the entrance to the estate is likely to require resurfacing which can be considered to be specific to the proposed development and amount to exceptional costs. Thus, whilst there is a reasonable expectation that road improvement works such as resurfacing improvements should be provided for by means of the GDCS, it is considered that in the context of the siting and layout of the entrance and the large volume of heavy traffic turning movements that would be generated by the proposed development, it would be reasonable to require the applicant to pay a contribution towards the costs of the upgrade of this specific section of road following completion of the works.

7.4.3. I would accept that these works come within the scope of Section 48 (2)(c) of the Act. The Special Contribution condition should therefore be attached as it is considered that these matters are specific and exceptional and would not be covered by the terms of the GDCS, and it would not amount to double-charging.

7.5. Precedents

7.5.1. The first party appellants have made reference to previous Board decisions in support of their case. These were PL04.242829 and PL04.229412. I have attached the Board Orders and Inspectors' Reports in each case for the Board's convenience. It is considered however that these cases differ from the case that is currently before the Board as follows:

242829 The Board decided to remove the special contribution condition which related to road improvement works on Sarsfield Road in Cork involving road alignment improvement works, junction improvement works, planning existing surface, surfacing macadam and stone, lining, drainage and alteration of existing services, on the basis that it would amount to double-charging. It is noted that the Board had agreed with the Inspector's view that the works did constitute road improvement works that were specific to the proposed development, but as the decision had included a further condition requiring the developer to undertake that said works at his own expense. The Board had noted that the developer was required to assume responsibility for the design and construction of all works relating to the new road infrastructure and all variations/re-alignments to the existing public road network as submitted in the application documentation, and as such, it was considered that this would constitute duplication and amount to double charging. In the current case before the Board, the road works relate to works at the entrance to the site, which are specific to the development.

229412 The special contribution in this case (75 houses at Glebe, Coachford) related to the upgrading of the local road network (€10,000) and to the replacement of an existing stone culvert through the village (€103,930). The Board decided to amend the condition to require the payment of the contribution towards the road improvement works (€10,000 for the

upgrade of footpaths linking the site entrance to the village) but omitted the remainder of the contribution in respect of the culvert. The Board stated that the provision of the footpath constituted specific exceptional costs not covered by the contribution scheme, and that the payment of a special contribution was warranted.

7.5.2. I note the following additional Board decisions in the Cork area:

- 232458** This related to the development of 4 no. buildings at a Business Park at Wallingstown, Little Island. The special contribution related to three specific items of road improvements to the road network which were Dunkettle Interchange Upgrade, Little Island Interchange Upgrade and Little Island Junction Improvement Report. The Board decided that the upgrades to the road system were warranted, would benefit the future proposed development and that the proposed development would generate traffic which would have an impact on the road system, and therefore, that the development should contribute to the upgrade.
- 300890** The development related to a quarry at Ballyhea, Charleville. The special contribution related to specific exceptional costs associated with resurfacing of the entrance to the site and at another junction nearby on the local road network, due to the turning movements of trucks using the development. The developer considered, inter alia, that the levy would amount to double charging as it was proposed to undertake certain road improvement works to the network including the provision of passing bays. However, the Board considered that having regard to the impact of the quarry traffic on the road surface conditions at the two junctions, it would be appropriate and reasonable to impose a special contribution with respect to resurfacing the junctions in question.
- 301769** The development involved the construction of 10 houses at Togher Cross and the special contribution related to the modification of a public footpath opposite the site, modification of a zebra crossing and road pavement improvements. The Board decided that the said modifications/road improvement works would amount to specific exceptional costs which are

not covered by the GDCS, and which would benefit the proposed development.

- 7.5.3. The decisions referred to above indicate that road works such as that proposed can be regarded as specific exceptional costs outside of the GDCS.

8.0 Recommendation

- 8.1. Having regard to the information on the file, the grounds of appeal, the planning and technical reports of the planning authority in relation to the development, and to the assessment above, I recommend that the Board directs the planning authority to **ATTACH** Condition 52 and the reason therefor for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the pattern of development in the vicinity, to the siting and layout of the entrance to the site from the public road and to the traffic turning movements that would be generated by the proposed development which would impact the road surface at the entrance junction, it is considered reasonable that the costs of upgrading the road surface at the entrance ought to be borne by the subject development. It is considered that the planning authority has demonstrated that the need for the resurfacing of the entrance junction arises from traffic associate with the proposed development, which would amount to specific exceptional costs, which are not covered by the General Development Contribution Scheme, and which would benefit the proposed development in this instance.

Mary Kennelly
Senior Planning Inspector

22nd March 2022