



An
Coimisiún
Pleanála

Inspector's Report

ACP-323979-25

Development	A large-scale residential development (LRD), comprising of 246 no. residential dwellings. This application is accompanied by a Natura Impact Statement (NIS) and an Environmental Impact Assessment Report (EIAR).
Location	Cloheen, Clonakilty, Co. Cork.
Planning Authority	West Cork County Council
Planning Authority Reg. Ref.	25324
Applicant(s)	HB Clonheen Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission subject to conditions.
Type of Appeal	First Party Appeal against financial contribution
Appellant(s)	HB Clonheen Developments Ltd.
Observer(s)	None.

Date of Site Inspection

1st February 2026.

Inspector

Peter Nelson

Contents

1.0 Introduction	4
2.0 Site Location and Description	4
3.0 Proposed Development	4
4.0 Planning Authority Decision	7
4.1. Further Information	7
4.3. Planning Authority Reports	8
4.4. Relevant Prescribed Bodies	13
5.0 Planning History.....	14
6.0 Legislative Context	15
7.0 Policy Context.....	16
8.0 The Appeal	18
8.1. Grounds of Appeal	18
8.2. Planning Authority Response	19
9.0 Assessment	19
10.0 Recommendation	24
11.0 Reasons and Considerations.....	24

1.0 Introduction

The Commission should note that this is a first-party appeal against a condition of the decision of Cork County Council to grant permission for a large-scale residential development (LRD). The appeal relates solely to the imposition of a special financial development contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended. No appeal has been brought by any other person against the decision of the planning authority, and therefore, in accordance with Section 48(13)(a) of the Act, the Commission must not determine this application as if it had been made to it in the first instance, but only the matters subject of this special contribution appeal.

2.0 Site Location and Description

- 2.1. The site lies on the south-western edge of Clonakilty, approximately 1.2 km from the town centre. It comprises 3 fields and is currently used for agriculture. To the south and south-west of the site, there are other undeveloped greenfield sites, also in agricultural use. The site is also adjacent to several established developments.
- 2.2. To the east, the site abuts the Clonakilty Park Hotel, with the Cloheen Industrial Estate and the Clonakilty Agricultural Grounds to the north. To the west and northwest, and also to the east of the site, there are existing residential dwellings, including the Cloheen Meadows and Lady's Cross housing developments.
- 2.3. The stated site size is approximately 9.49ha (red line boundary site, 8.09ha - net developable area).

3.0 Proposed Development

- 3.1. The proposed development will consist of a large-scale residential development (LRD), comprising:

- 246no. residential dwellings as follows: 177no. houses consisting of 3no. 5-bed dwellings, 41no. 4-bed dwellings, 90no 3-bed dwellings, 31no. 2-bed dwellings and 12no. 1-bed sheltered housing units; 6no. 2-storey 4-unit apartment blocks consisting of 24no. 2-bed units, and 3no. 3-storey, 15-unit apartment blocks consisting of 36 no. 2-bed units and 9no. 1-bed units.
- The proposed development also includes a crèche(473.77sqm) with capacity to accommodate 65no. children.
- The proposed development will include provision for car parking, including EV charging points and bicycle parking.
- The proposed development will also include the provision of private, communal, and public open spaces; internal roads and pathways with potential for future links to adjacent lands; pedestrian and cyclist routes; hard and soft landscaping and boundary treatments; waste storage; plant; signage; a new access onto the local hotel road to the east, incorporating bridging of the existing stream with associated works to same, and a new access connecting to the L-9931-0 local road to the west; modifications to car parking at the Clonakilty Park Hotel and the provision of a roundabout; public lighting; new substation; road improvement works and pedestrian facilities at the N71 and Clonakilty Park Hotel junction; all associated site development works; and all drainage and foul sewer infrastructure and network works including connections to the existing networks on the N71 national road and the L-4007-52 local road, and nature-based SuDS measures.

Table 2.1 Key Development Statistics

Aspect of Development	Development Statistic
Gross Site Area	9.49ha (red line boundary)
Net Area of Site	8.073ha
No. of Units	246
Apartments	69
Houses	177

Creche	473.77sqm (65 Children)
Site Density	30.47dph
Height	1-3 storey
Total Open Amenity Space	1.273ha
Percentage Open Amenity Space	15.73%
Car Parking Provision	441 spaces (Creche 8 spaces)
Bicycle Parking Provision	132 spaces
Phases	Phase 1 80 units Phase 2 87 units+ Creche Phase 79 Units

Table 2.2 Mix of Units

Type	Units	Percentage
Apartments	69	
1 bed	9	13%
2 bed	60	87%
Houses	177	
1 bed	12	6.8%
2 bed	31	17.5%
3 bed	90	50.8%
4 bed	41	23.2%
5 bed	3	1.7%
Total	246	

4.0 Planning Authority Decision

4.1. Further Information

On the 1st August 2025, Cork County Council requested the applicant to submit further information relating to the following:

- A revised Traffic and Transport Assessment having regard to the appropriate Transport Infrastructure Ireland Publications.
- Revised active travel routes creating a high-quality, permeable development with linkages to adjoining development and connectivity to existing and future infrastructure.
- Revised proposals for the creche site to improve the place-making qualities of the front of the building.
- Redesign of the creche building.
- Amendments to the design of the three-storey apartment blocks.
- Revised masterplan to allow for redesign and increased parking for the Duplex units.
- Increased parking for the step-down units.
- Increased surveillance and engagement along the pedestrian route to the showground and the lands to the north.
- Details of the play equipment proposed.
- Details of the surface treatments proposed for homezones.
- Details of the management of open spaces adjacent to apartments.
- A revised phasing plan.

4.2. Decision

The planning authority (PA) decided to grant permission by Order dated 24th November 2025, subject to 66 no. conditions.

4.3. Planning Authority Reports

Due to the nature of this appeal, the Commission should note that I have only summarised the relevant content and issues within the planning reports and relevant technical reports

4.3.1. Planning Reports

First Report: Area Planner

The Area Planner report dated 29 July 2025, in Chapter 7 of the Environmental Impact Assessment Report, notes that the Traffic and Transport Assessment projects an approximately 8% increase in traffic at the N71/Miles/Ladies Cross Junction and the N71/Park Road Junction when the development is fully operational in 2031.

The planner also notes the Area Engineer's comments, which recommended a refusal due to potential car stacking at the Park Road Junction and the inadequate junction at Lady's Cross. The planner further notes that granting permission would be premature pending a plan for improvement along the N71.

The planner also notes comments from the Cork National Roads Office Senior Executive Engineer, who states that a revision of the entire road/access arrangement is required. Subsequently, the Director of Service has further commented on the proposal. His report overrides the Senior Executive Engineer's report and recommends further information.

First Report: Senior Executive Planner

The report from the Senior Executive Planner dated 31st July 2025 states that in the event of the application being granted, it is likely that the applicant will be levied a special contribution towards the cost of active travel infrastructure to the southern side of the N17 between the Clonakilty Park Hotel junction with the N71 and The Miles/Lady's Cross.

Second Report from the Area Planner

The second report from the Senior Executive Planner, dated 21st November 2025, states that the cost of providing the active travel interventions necessary to facilitate

connectivity from the proposed development to the local retail, educational and public transport infrastructure is estimated at approximately €1,995,000. A breakdown of the cost is provided in the report. It is stated that the fairest way to apportion the cost of the necessary active travel interventions is to use the site areas, i.e. Total Cost/Area of zoned lands. Therefore, this development should be subject to a special contribution of €650,233 in respect of specific exceptional costs not covered in the Council's General Contribution Scheme, for the provision of a roundabout at the junction of the N71 and the L4007-52, and active travel infrastructure on the N71 and L-4007-52, which shall be provided by Cork County Council. The Area Planner recommended a grant of permission subject to conditions.

Second Report from the Senior Executive Planner

The Second Report from the Senior Executive Planner, dated 21st November 2025, agreed with the Area Planner that a grant of permission be issued. The report also refers to the recent appointment of consultants to deliver a preliminary design for active travel infrastructure in the vicinity of the site along the N71, to improve pedestrian and cyclist connections between the large residential developments (existing and proposed) and local facilities.

4.3.2. Relevant Technical Reports

Sustainable Travel Unit (Traffic and Transport): First Report

The first report of the Sustainable Travel Unit dated 29th July 2025, recommends amendments to the proposed development to promote more sustainable modes of travel and to address concerns raised in the Road Safety Audit. The report also states that, more generally, upgrades are required to the existing pedestrian and cycle facilities on the N17 and the "Ladies Cross" Road (L-9931-0) to provide safe pedestrian and cycle connectivity from the development to the town centre. The report recommends that a special development contribution be levied towards the cost of the improvement works, which would directly benefit the proposed development.

Sustainable Travel Unit (Traffic and Transport): Second Report

The second report of the Sustainable Travel Unit, dated 19th November 2025, recommends, if permission is granted, that a condition be attached requiring active travel measures along the private road linking the site to the Lady's Cross road/L9931-01 up to the L-4007-52, and along the Clonakilty Park Hotel access road as far as the junction onto the N71. The report also recommends a special development contribution condition for works to provide a roundabout at the junction of the N71 and the L-4007-52, and active travel infrastructure on the N71 and L-4007-52, to be provided by Cork County Council and to benefit the site.

Cork National Roads Office: First Report

The First Report of the Cork National Roads Office, dated 23rd July 2025, recommends revising the Traffic and Transport Assessment to demonstrate the effects of vehicular access at the N71/L-4007-5 Cloheen Road only. Improvements to the junction of the N71 and the L-4007-5 Cloheen Road are also recommended for consideration as part of the Traffic and Transport Assessment.

Cork National Roads Office: Second Report

The Second Report of the Cork National Roads Office, dated 20th November, considers the proposed development premature pending the finalisation of the road layout for the N71 in this area, and recommends that permission be refused.

4.3.3. Relevant Conditions

Condition No.6

4.3.4. The applicant shall agree the following with the Planning Authority prior to commencement of construction, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing:

- a) Detailed design for the traffic calming measures along private access road linking the site to the Lady's Cross road / L-9931-0 up to the L-4007-52
- b) Detailed design for the active infrastructure (cycle lanes and footpaths) along private access road linking the site to the Lady's Cross road / L-9931-0 up to the L-4007-52

- c) Detailed design for the traffic calming measures along the northeastern access road (Clonakilty Park Hotel access) as far as the junction onto the N-71
- d) Detailed design for the shared active travel infrastructure along the north-eastern access road (Clonakilty Park Hotel access) as far as the junction onto the N-71
- e) Detailed design for the vehicular bridge incorporating shared active travel infrastructure at the eastern end of the site
- f) Details for all road markings, signage, public lighting and surface water drainage for the aforementioned roads.
- g) Road Safety Audit for the aforementioned design.

All associated works shall be at the expense of the applicant.

Reason: In the interest of orderly development.

Condition No.7

The applicant shall be responsible for the design and construction of all works relating to: -

- a) The upgrade of the Lady's Cross road / L-9931-0 up to the L-4007-52 (over an approximate length of 210 linear metres);
- b) The upgrade of the north-eastern access road (Clonakilty Park Hotel access) as far as the junction onto the N-71 (over an approximate length of 260 linear metres);
- c) The provision of new footpaths, cycle lanes and associated works from the proposed development along the Lady's Cross road / L-9931-0 up to the L-4007-52 junction.
- d) The provision of new shared active travel infrastructure on the north-eastern access road (Clonakilty Park Hotel access) as far as the junction onto the N-71

- e) The upgrade works to the existing 'Clonakilty Park Hotel' entrance/junction onto the N-71.

The design and construction of all works as outlined shall be carried out in accordance with DTTAS, DHPLG, and NRA road design and construction guidelines, and shall be agreed with the Planning Authority prior to commencement of construction, or, at the discretion of the Planning Authority, within such further period, or periods, of time as it may nominate in writing. Adequate notice shall be given by the applicant to the Planning Authority in this respect.

All works as outlined shall be at the expense of the applicant.

Reason: In the interests of orderly development.

Condition No.65

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 €650,223.20 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 a roundabout at the junction of the N71 and the L-4007-52 and active travel infrastructure on the N-71 & L4007-52 which shall be provided by Cork County Council and will benefit the 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 sub-paragraphs (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.

Condition No.66

At least one month before commencing development or at the discretion development or at the discretion 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 contribution of €357,338.52 to Cork County Council in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority. The value of this contribution is calculated in accordance with the Council's Development Contribution Scheme on 01/10/2025, and shall be increased monthly at a rate of 8% per annum in the period between the date in which this value was calculated, and the date of payment.

Reason: It is considered appropriate that the developer should contribute towards the cost of public infrastructure and facilities benefiting development in the area of the Planning Authority, as provided in Council's Development Contributions Scheme, made in accordance with Section 48 of the 2000 Planning and Development Act, and that the level of contribution payable should increase at a rate which allows both for inflation and for phasing in of the target contribution rates, in the manner specified in that scheme.

4.4. **Relevant Prescribed Bodies**

The TII Report dated 10th July 2025 considered that the proposed development is at variance with national policy for the following reasons:

- Insufficient data have been submitted to demonstrate that the proposed development will not have a detrimental impact on the capacity, safety or operational efficiency of the national road network in the vicinity of the site.
- The proposed development would endanger public safety due to traffic hazards.
- The proposed development is premature pending the finalisation of the road layout for the N71 in this area.

5.0 Planning History

Application Site

No recent planning permission on the subject site.

Nearby Site

ACP Ref: 318260-23

Permission granted on the 7th October 2024 for the development of 93no. two-storey dwellings comprising 19 no. two bed, 67 no. three-bed and 7 no. four-bed units (19 no. detached, 45 no. semi-detached and 29 no. terrace dwellings on lands to the west of the subject site at The Miles.

Condition No.25 is of note:

The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of works proposed to be carried out for the provision of a roundabout at the junction of the N71 and the L-4007-52 which shall be provided by Cork County Council and which benefits the proposed development. 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 may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial

contribution shall be agreed in writing between the planning authority and the developer.

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

6.0 **Legislative Context**

6.1. Planning and Development Act 2000, as amended

Section 48 Development Contributions

(2)(c) 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.

(10) (a) Subject to paragraph (b), no appeal shall lie to the Board in relation to a condition requiring a contribution to be paid in accordance with a scheme made under this section.

(b) An appeal may be brought to the Board where an applicant for permission under section 34 considers that the terms of the scheme have not been properly applied in respect of any condition laid down by the planning authority.

(c) Notwithstanding section 34 (11), where an appeal is brought in accordance with paragraph (b), and no other appeal of the decision of a planning authority is brought by any other person under section 37 , the authority shall make the grant of permission as soon as may be after the expiration of the period for the taking of an appeal, provided that the person who takes the appeal in accordance with paragraph (b) furnishes to the planning authority security for payment of the full amount of the contribution as specified in the condition.

(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,

(13)(a) Notwithstanding sections 37 and 139, where an appeal received by the Board after the commencement of this section 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 appeal.

(13)(b) Notwithstanding section 34(11), where an appeal referred to in paragraph (a) is received by the Board, and no appeal is brought by any other person under section 37, the authority shall make the grant of permission as soon as may be after the expiration of the period for the taking of an appeal, provided that the person who takes the appeal furnishes to the planning authority, pending the decision of the Board, security for payment of the full amount of the special contribution as specified in the condition referred to in paragraph (a).

7.0 Policy Context

7.1. Development Contributions

Cork County Council Adopted Development Contribution Scheme (2004)

This scheme was adopted by the Council on 23rd February 2004. The general and supplementary development contribution rates were updated on 1st January 2014. Page 9 provides information on special contributions in respect of any development where specific exceptional costs not covered by the Cork County Council Development Contribution Scheme are incurred by any Local Authority in respect of public infrastructure and facilities which benefit the proposed development.

Appendix 2 provides information on additional charges on works proposed to, inter alia, roads within West Cork which are covered under the general development contribution scheme between 10th March 2004 up to 31st August 2004.

Development Contributions Guidelines for Planning Authorities (2013)

It is stated that a special development contribution may be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified by the condition and only developments that will benefit from the public infrastructure or facility should be liable to pay the development contribution.

Development Management Guidelines for Planning Authorities (2007)

Section 7.12 states that '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.

7.2. Planning Policy

Cork County Development Plan 2022-2028

The development site is Subject to a Special Development Objective (CK R-07) under Volume 5 (West Cork) of the Development Plan:

Objective CK R-07

Medium A Density Residential Development. The overall approach to the development of this site will be guided by an overall framework Masterplan based on the requirements of the Guidelines on Sustainable Residential Development in Urban Areas published by the DoELG and the accompanying Urban Design Manual and Cork County's Design Guide for Residential Estate Development. Any development should provide for the following:

- a. An appropriate access strategy in compliance with the DMURS Design Manual for Urban Roads and Streets 2019, including appropriate provision for the possible future development of lands to the south and west. Proposals will be in keeping with any updated Local Transport Plan for the town.
- b. The provision of a minimum of 15% public open space including the provision of green corridors, and areas of biodiversity value together with Active open space in accordance with Chapters 14 and 15 of the plan.
- c. Provision of Active Travel Routes creating a high-quality permeable development with linkages to adjoining development.
- d. Provision of a landscaped buffer with the existing Industrial development to the north.
- e. An appropriate storm water drainage strategy for the site, and integration of SuDS proposals in the overall layout and design of the scheme.

8.0 The Appeal

8.1. Grounds of Appeal

The applicant appealed against Condition no. 65 of the decision of the Planning Authority (PA) on 24th November 2025 on the following grounds:

- Cork County Council are advancing plans for the enhancement of road, pedestrian and cycling infrastructure, and specifically at this location.

- A financial contribution under the General Contribution Scheme has been appropriately levied by Condition No.66 of the decision to grant.
- The imposition of another condition requiring the payment of a special development contribution in this instance amounts to double charging and is not supported in legislation.
- As per the definition of Public Infrastructure and Facilities, set out in Section 48(17) of the PDA 2000, the provision of pedestrian facilities, traffic calming measures and road upgrades are already included within the County Council's General Development Contribution Scheme.
- The proposed condition fails to demonstrate that the specific exceptional costs which have given rise to the development contribution sought are not already covered by another scheme.
- Existing business, community facilities and residents, along with the public road, will benefit from the works covered under the condition; therefore, the works are not specific to the subject development.
- Notwithstanding the above, the basis of the calculation provided is unreasonable as it disproportionately attributes the cost of works to 4no. undeveloped sites and has failed to give due cognisance to the application of costs to other existing and potential proposed developments within the area.
- It is therefore considered that the special development contribution does not come within the scope of Section 48(2)(c) of the PDA 2000 and is unjustified.

8.2. Planning Authority Response

None

9.0 Assessment

- 9.1. Having regard to the provisions of Section 48 of the Planning and Development Act 2000, as amended, and specifically Section 48(13)(a) which limits the Commission to only determine the matters of this special contribution appeal as there have been no other appeals, and having regard to all relevant documentation on file, the reports of

the planning authority (PA) and having regard to relevant local, regional and national policies and guidance, including the Development Contributions Guidelines for Planning Authorities (2013) and Section 7.12 of the Development Management Guidelines for Planning Authorities (2007), I consider that the substantive issue in this appeal is whether the planning authority's imposition of a special financial contribution complies with the requirements of Section 48(2)(c) and (12) of the Act.

- 9.2. The Planning Authority has attached Condition No.65 to the grant of permission for the proposed development. This condition requires the developer to pay a special contribution of €650,223.20 to Cork County Council, 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 a roundabout at the junction of the N71 and the L-4007-52 and active travel infrastructure on the N-71 & L4007-52 which shall be provided by Cork County Council and will benefit the site.
- 9.3. The Commission should note that I am satisfied that both elements cover works that fall within the definition of 'public infrastructure and facilities' under Section 48(17) of the Act.
- 9.4. The Development Contributions: Guidelines for Planning Authorities 2013 states that a 'special development contribution may be imposed under section 48(2)(c) where specific exceptional costs, which are not covered by the general contribution scheme, are incurred by a local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development, such as a new road junction or the relocation of piped services. The particular works should be specified in the condition. Only developments that will benefit from the public infrastructure or facility in question should be liable to pay the development contribution.'
- 9.5. In the first party appeal, the applicant states that the planning authority failed to address the exceptionality of the intended new active travel infrastructure and junction improvements in the vicinity of the subject development site. They state that Cork County Council is responsible for the day-to-day maintenance, upgrading and improvement of pedestrian and cyclist infrastructure, public footpaths and roadways throughout Cork County. The applicant also states that the provision for public roads (which must necessarily include roundabouts and junctions) is included for in the

Cork County Development General Contribution Scheme, indicating that it is part of the normal infrastructure requirements of the County.

- 9.6. As stated above, contributions imposed under section 48(2)(c) are for specific exceptional costs which are incurred by the local authority in the provision of public infrastructure or facilities which benefit very specific requirements for the proposed development.
- 9.7. The question in this case is whether the provision of a roundabout at the junction of the N71 and L-4007-52 and active travel infrastructure on the N-71 & L-4007-52 are specific exceptional costs which benefit very specific requirements for the proposed development.
- 9.8. The Cork General Development Contributions Scheme 2004 (rates amended in 2015) breaks down the required Section 48 contribution for residential units into services, including Road Works.
- 9.9. The Traffic and Transport Assessment, with the application, assessed the impact of the proposed development on the existing junction between the N71 and L-4007-52 and concluded that a minor increase in queuing would be experienced as a result of the proposed development. It also notes that Cork County Council's long-term plan is to improve the junction (a possible roundabout) to increase its operational capacity.
- 9.10. The Senior Executive Engineer of the National Roads Office recommends a refusal of permission, as the proposed development is considered to be premature, pending the finalisation of the road layout for the N17 in this area. I note that the Director of Services for Roads was satisfied that the proposed development is acceptable from a roads perspective.
- 9.11. I note that condition no.6 requires the agreement on the detailed design of active travel infrastructure along the private access road linking the site to the Lady's Cross road/L-9931-0 up to the L-4007-52. and from along the Clonakilty Park Hotel access road as far as the junction onto the N-71. These are a requirement of the zoning objective CK-R-07.
- 9.12. In the Area Planner's report dated 27th November 2025, there is an estimate for the Active Travel Measures that are considered necessary to facilitate connectivity from the proposed development to the retail, educational and public transport

infrastructure locally. The estimated cost is €1,995,000. The works are broken down into specific works on Park Road, Mayor's Walk, Clogheen Road, and the N71 Junction upgrade. The costs of the works are claimed to be based on NTA cost estimates for Active Travel Infrastructure published in October 2025.

- 9.13. The report states that the types of interventions and the locations are informed by the improvement works proposed in the Clonakilty Traffic and Transportation Study (June 2011). I note that the amount of residentially zoned land in the area adjoining the site is greater in the Clonakilty Town Plan 2009-2015 than the residentially zoned lands in the current Development Plan. I therefore consider that the proposals for the roundabout and improvements to the N71 have been a long-standing objective for the settlement of Clonakilty.
- 9.14. Regarding the cost of the roundabout, special contributions levied under previous permissions (P.A. ref. 18/703, P.A. ref. 18/605 & ACP:318260) have been deducted. I note that in these permissions, the special contribution did not include funds for active travel measures along the N71.
- 9.15. The report states that the fairest way to appropriate the costs of the necessary active travel interventions and the roundabout is to use the site areas. Four sites with a combined total area of 27 ha are included, and a figure per hectare has been established.
- 9.16. CCDP Table D2: Settlement Specific Key Infrastructure of Appendix D Core Strategy Critical Infrastructure. Sets out at a settlement level, the key infrastructure required to be delivered over the life of the Development Plan, to support the delivery of land zoned for development. For Clonakilty, the key elements of transport infrastructure are as follows:
- Provision of new / widened footpaths and segregated cycle tracks to improve connectivity to the town centre / and amenities.
 - Public lighting extensions required.
 - Northern Relief Road.
 - Public road upgrades required.
- 9.17. CDP Table D3 (D.3 Residential Lands NPF Tiering) for the subject site, designated CK-R-07, states that the site is serviced and does not require intervention. There is

no reference to the need to provide active travel facilities or a new roundabout on the N17 National Secondary Road. Volume 5, Table 2.6.67, Specific Objectives, requires that for the development of the subject site, active travel routes be created to deliver a high-quality, permeable development with linkages to adjoining development. The proposed development has provided these routes within the red line boundary. There is no reference in the specific objective for this site to the provision of active travel facilities or a new roundabout on the N17 National Secondary Road for any new development on this site.

- 9.18. I note that at present there are no active travel measures from the Conakilty Park Hotel/N7 junction into Clonakilty Town Centre. It also appears from the TII and Cork National Roads Office that the improved road design of the N71 has yet to be finalised.
- 9.19. The Development Management Guidelines states that with regard to special development contributions imposed under section 48(2)(c) state: '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'.
- 9.20. Having regard to the recognised need for a roundabout on the N17 national primary road, as detailed in the Clonakilty Traffic and Transportation Study (June 2011), and the need for new or widened footpaths and segregated cycle tracks to improve connectivity to the town centre and amenities at a settlement level, as stated in the development plan, I consider that the proposed benefit arising from the provision of a roundabout at the junction of the N71 and the L-4007-52 together with active travel infrastructure on the N-71 and L4007-52 will be widespread and not merely a specific requirement for the proposed development. Having regard to the information on file, I do not consider that Cork County Council has adequately demonstrated that the proposed roundabout and active travel measures on the N71 constitute specific exceptional costs that meet only very specific requirements of the proposed development.

Conclusion

9.21. I consider that the provision of a roundabout at the junction of the N71 and the L-4007-52, together with active travel infrastructure on the N-71 and L4007-52, would not constitute exceptional costs to be incurred by the local authority that benefit only the proposed development, but would, on the evidence on file, serve a much broader overall purpose and function, providing benefits to a much wider area. In reaching this conclusion, I considered that the documentation on file did not provide a reasonable basis for determining that these works are required specifically for the proposed development. I consider that the proposed works project would more properly be reflected in a revision to the general development contribution scheme, a separate scheme under Section 48, or perhaps under Section 49 of the Act, as amended.

10.0 Recommendation

10.1. My recommendation to the Commission is that Condition no.65 should be removed.

11.0 Reasons and Considerations

Having regard to:

- Section 48(2)(c) and (12) of the Planning and Development Act 2000,
- Cork County Council Development Contribution Scheme 2015,
- The plans and particulars submitted as part of the application,
- the specified particular works to be carried out and the basis for the financial contribution calculation provided by the planning authority,

It is considered that the works described in condition No. 65, namely the provision of a roundabout at the junction of the N71 and the L-4007-52, and active travel infrastructure on the N-71 and L4007-52, would benefit not only the proposed development but also serve a much broader overall purpose and function, providing benefits to a much wider area. Therefore, it is considered that the specified works do

not constitute exceptional and specific public infrastructure costs that will benefit the proposed development within the meaning of Section 48(2)(c).

I confirm that this report represents my professional planning assessment, judgment and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Peter Nelson
Senior Planning Inspector

3rd March 2026